

THURSDAY, APRIL 14, 2016

SIXTIETH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Madam Speaker Harwell.

The proceedings were opened with prayer by TW Mitchell, Northpoint Baptist Church, Gallatin, TN.

Representative Rogers led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 90

Representatives present were Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton J., Shaw, Shepard, Smith, Sparks, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 90

EXCUSED

The Speaker announced that the following members have been excused, pursuant to requests under **Rule No. 20**:

Representative Lundberg; military service

Representative Gilmore; personal

Representative Hulsey; personal

Representative Spivey; business

PRESENT IN CHAMBER

Reps. Fitzhugh, C. Sexton, Stewart and Womick were recorded as being present in the Chamber.

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SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 270 Rep. Eldridge as prime sponsor.

House Resolution No. 271 Rep. Shepard as prime sponsor.

House Resolution No. 274 Rep. Terry as First prime sponsor.

House Resolution No. 282 Reps. Shepard and Littleton as prime sponsors.

House Joint Resolution No. 963 Reps. M. Hill and T. Hill as prime sponsors.

House Joint Resolution No. 972 Rep. Clemmons as prime sponsor.

House Joint Resolution No. 973 Rep. Clemmons as prime sponsor.

House Joint Resolution No. 974 Reps. Jones, Mitchell, Stewart, Akbari, Favors, Jernigan, Love, Pitts, Shaw, Camper, Turner, Fitzhugh, Windle, Hardaway and Towns as prime sponsors.

House Joint Resolution No. 998 Rep. Byrd as prime sponsor.

House Joint Resolution No. 1007 Rep. Carr as prime sponsor.

House Bill No. 526 Rep. Daniel as prime sponsor.

House Bill No. 976 Reps. Byrd, Clemmons, Camper, Hardaway, Akbari and Turner as prime sponsors.

House Bill No. 1164 Rep. Love as prime sponsor.

House Bill No. 1654 Reps. Zachary, Womick and Byrd as prime sponsors.

House Bill No. 1666 Rep. Todd as prime sponsor.

House Bill No. 1735 Rep. Ramsey as prime sponsor.

House Bill No. 1779 Reps. Favors, Camper and M. White as prime sponsors.

House Bill No. 1823 Reps. Favors, Powell, Clemmons, Mitchell, Jernigan, Stewart, Camper and Akbari as prime sponsors.

House Bill No. 1870 Rep. Hardaway as prime sponsor.

House Bill No. 1907 Rep. Clemmons as prime sponsor.

House Bill No. 2041 Rep. Faison as prime sponsor.

House Bill No. 2102 Reps. Love, Akbari, Stewart, Camper, Powell and Turner as prime sponsors.

House Bill No. 2122 Reps. Stewart, Camper, Eldridge, Dunlap, Hardaway, Akbari, Powell and Towns as prime sponsors.

House Bill No. 2374 Reps. Hardaway and Akbari as prime sponsors.

House Bill No. 2426 Reps. Parkinson, Hardaway and Kane as prime sponsors.

House Bill No. 2571 Reps. Hardaway and Eldridge as prime sponsors.

House Bill No. 2577 Reps. Howell, Casada, M. Hill, Kane, Moody, Eldridge, Williams, T Hill, Durham, Dunlap, M. White, Wirgau, J. Sexton, Byrd, Womick, DeBerry, Lamberth, D. White, C. Sexton, Windle, Rogers, Terry and McManus as prime sponsors.

House Bill No. 2579 Rep. Matlock as Second prime sponsors.

House Bill No. 2579 Reps. Clemmons, M. White and Shaw as prime sponsors.

MESSAGE FROM THE SENATE
April 14, 2016

MADAM SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 2653, 2654 and 2655; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

***Senate Bill No. 2653** -- Appropriations - As introduced, makes appropriations for the fiscal years beginning July 1, 2015, and July 1, 2016. by *Norris, *McNally, *Watson. (HB2629 by *Sargent, *McCormick)

***Senate Bill No. 2654** -- Budget Procedures - As introduced, increases from 30 cents to 36 cents per each person in the county the amount that each county must pay to the office of the comptroller to contribute to the expenses of audits; creates historic property land acquisition fund; makes other statutory revisions required for implementation of the annual appropriations act. - Amends Title 4; Title 5; Title 6; Title 8; Title 9; Title 10; Title 11; Title 12; Title 13; Title 16; Title 17; Title 18; Title 29; Title 33; Title 36; Title 37; Title 38; Title 39; Title 40; Title 41; Title 43; Title 45; Title 47; Title 48; Title 49; Title 50; Title 53; Title 54; Title 55; Title 56; Title 57; Title 58; Title 59; Title 60; Title 62; Title 63; Title 64; Title 65; Title 66; Title 67; Title 68; Title 69; Title 70 and Title 71. by *Norris, *McNally, *Watson, *Gardenhire. (HB2630 by *Sargent, *McCormick)

***Senate Bill No. 2655** -- Bond Issues - As introduced, authorizes the state to issue and sell bonds of up to \$87.7 million. by *Norris, *McNally, *Watson. (HB2631 by *Sargent, *McCormick)

PERSONAL ORDERS

RECOGNITION IN THE WELL

Representative Parkinson, joined by the Shelby County delegation, was recognized in the Well to honor Ladia Yates and Sherkenna Buggs.

RESOLUTIONS READ

The Clerk read House Joint Resolution No. 840, adopted April 7, 2016.

House Joint Resolution No. 840 -- Memorials, Professional Achievement - Ladia Yates. by *Parkinson.

The Clerk read House Joint Resolution No. 841, adopted April 7, 2016.

House Joint Resolution No. 841 -- Memorials, Professional Achievement - Sherkenna Buggs. by *Parkinson.

RECOGNITION IN THE WELL

Representative Howell was recognized in the Well, joined by Rep. K. Brooks, to honor M&M'S Brand Chocolates Candies, 75th anniversary.

RESOLUTION READ

The Clerk read House Joint Resolution No. 604, adopted February 25, 2016.

House Joint Resolution No. 604 -- Memorials, Recognition - M&M'S Brand Chocolates Candies, 75th anniversary. by *Brooks K.

RECOGNITION IN THE WELL

Representative Smith was recognized in the Well, joined by the Knox County delegation, to honor the memory and family of Zaezion Dobson.

RESOLUTION READ

The Clerk read House Joint Resolution No. 718, adopted April 7, 2016.

House Joint Resolution No. 718 -- Memorials, Death - Zaezion Dobson. by *Smith, *Armstrong, *Brooks H, *Kane, *Zachary, *Dunn, *Daniel, *Matlock, *Terry, *Butt, *Akbari, *Alexander, *Beck, *Brooks K, *Byrd, *Calfee, *Camper, *Carr, *Carter, *Casada, *Clemmons, *Coley, *Cooper, *DeBerry, *Doss, *Dunlap, *Durham, *Eldridge, *Faison, *Farmer, *Fitzhugh, *Forgety, *Goins, *Gravitt, *Halford, *Hardaway, *Harwell, *Hawk, *Hazlewood, *Hicks, *Hill M, *Hill T, *Holsclaw, *Holt, *Howell, *Hulsey, *Jenkins, *Jernigan, *Johnson, *Jones, *Keisling, *Kumar, *Lamberth, *Littleton, *Lollar, *Love, *Lynn, *Marsh, *Matheny, *McCormick, *McDaniel, *McManus, *Miller, *Mitchell, *Moody, *Parkinson, *Pitts, *Pody, *Powell, *Powers, *Ragan,

*Ramsey, *Reedy, *Rogers, *Sanderson, *Sargent, *Sexton C, *Sexton J, *Shaw, *Shepard, *Spivey, *Stewart, *Swann, *Todd, *Towns, *Travis, *Turner, *Van Huss, *Weaver, *White D, *White M, *Williams, *Windle, *Wirgau, *Womick.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolutions were introduced and placed on the Consent Calendar No. 2 for April 14, 2016:

House Resolution No. 278 -- Memorials, Interns - Elizabeth Tullos. by *Sargent.

House Resolution No. 279 -- Memorials, Interns - Courtney Morgan Crocker. by *Sargent.

House Resolution No. 280 -- Memorials, Recognition - Pastor Mike Ellis and Impact Baptist Church, 10th anniversary. by *Parkinson.

House Resolution No. 281 -- Memorials, Interns - Naima Al-Saigh. by *Coley.

House Resolution No. 282 -- Memorials, Death - Jeff Carr. by *Clemmons.

House Joint Resolution No. 996 -- Memorials, Public Service - Representative David Shepard. by *Fitzhugh.

House Joint Resolution No. 998 -- Memorials, Interns - Chance Ryan Von Dette. by *Harwell.

House Joint Resolution No. 999 -- Memorials, Interns - Jamie M. Thompson. by *Harwell.

House Joint Resolution No. 1000 -- Memorials, Recognition - Edmondson Pike branch of the Nashville Public Library. by *Powell.

House Joint Resolution No. 1001 -- Memorials, Academic Achievement - Jasmine Carlisle, Valedictorian, Mount Juliet High School. by *Lynn.

House Joint Resolution No. 1002 -- Memorials, Academic Achievement - Jessica Giacobbi, Salutatorian, Mount Juliet High School. by *Lynn.

House Joint Resolution No. 1003 -- Memorials, Recognition - Peggy Lambert and John Ryder. by *Swann, *Ramsey.

House Joint Resolution No. 1004 -- Memorials, Heroism - Division of Forestry, (Cocke County). by *Faison.

House Joint Resolution No. 1005 -- Memorials, Heroism - Cocke County Emergency Management Agency. by *Faison.

House Joint Resolution No. 1006 -- Memorials, Heroism - Newport Rescue Squad. by *Faison.

House Joint Resolution No. 1007 -- Memorials, Heroism - Pittman Center Volunteer Fire Department. by *Faison.

House Joint Resolution No. 1008 -- Memorials, Heroism - Centerview Volunteer Fire Department. by *Faison.

House Joint Resolution No. 1009 -- Memorials, Heroism - Parrottsville Volunteer Fire Department. by *Faison.

House Joint Resolution No. 1010 -- Memorials, Heroism - Del Rio Volunteer Fire Department. by *Faison.

House Joint Resolution No. 1011 -- Memorials, Heroism - Long Creek Volunteer Fire Department. by *Faison.

House Joint Resolution No. 1012 -- Memorials, Heroism - Cosby Volunteer Fire Department. by *Faison.

House Joint Resolution No. 1013 -- Memorials, Heroism - Grassy Fork Volunteer Fire Department. by *Faison.

House Joint Resolution No. 1014 -- Memorials, Heroism - Cocke County Fire Department. by *Faison.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolutions were introduced and placed on the Consent Calendar for April 18, 2016:

House Joint Resolution No. 1015 -- Memorials, Academic Achievement - Seth Grimmitt, Salutatorian, Hampshire Unit School. by *Butt.

House Joint Resolution No. 1016 -- Memorials, Academic Achievement - Madelyne Brooks, Valedictorian, Hampshire Unit School. by *Butt.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolutions listed were noted as being placed on the Consent Calendar No. 2 for April 14, 2016:

Senate Joint Resolution No. 721 -- Memorials, Academic Achievement - Tyler Campbell, Salutatorian, Hickman County High School. by *Roberts.

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Senate Joint Resolution No. 722 -- Memorials, Academic Achievement - Emma Gasparro, Valedictorian, Hickman County High School. by *Roberts.

Senate Joint Resolution No. 723 -- Memorials, Recognition - Colonel Charles R. Tilton. by *Hensley.

Senate Joint Resolution No. 724 -- Memorials, Personal Achievement - Louis Fletcher, Wilson County Agricultural Hall of Fame. by *Beavers.

Senate Joint Resolution No. 725 -- Memorials, Personal Achievement - The late Kenneth Neal, Wilson County Agricultural Hall of Fame. by *Beavers.

Senate Joint Resolution No. 726 -- Memorials, Personal Achievement - The late William Dean Thompson and Nelda Ann McDonald Thompson, Wilson County Agricultural Hall of Fame. by *Beavers.

Senate Joint Resolution No. 727 -- Memorials, Personal Achievement - The late William Lee "Bill" Patton, Wilson County Agricultural Hall of Fame. by *Beavers.

Senate Joint Resolution No. 728 -- Memorials, Academic Achievement - Maxwell Pafford, Salutatorian, DeKalb County High School. by *Beavers.

Senate Joint Resolution No. 729 -- Memorials, Academic Achievement - Ashli Chew, Valedictorian, DeKalb County High School. by *Beavers.

Senate Joint Resolution No. 751 -- Memorials, Recognition - Debria G. Tyler, Boys and Girls Clubs Youth of the Year. by *Ketron.

Senate Joint Resolution No. 772 -- Memorials, Recognition - Memphis Brooks Museum of Art, 100th anniversary. by *Norris.

Senate Joint Resolution No. 810 -- Memorials, Retirement - TBI Deputy Director Edward B. Jones. by *Ketron.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 1393** -- Adoption - As introduced, requires the adoption services provided by the department of children's services to be made available to all families of adopted children and biological families of adopted children, regardless of whether the children were adopted through the department. - Amends TCA Title 36. by *Yarbro, *Bell, *Gardenhire, *Harris, *Overbey, *Haile, *Massey, *Bowling, *Hensley. (HB1369 by *Windle, *Dunn, *Carter, *Matlock, *Calfee, *Lundberg, *Hardaway)

***Senate Bill No. 1469** -- Alcoholic Beverage Commission - As introduced, authorizes the sale of alcoholic beverages for on-premises consumption at a facility that has at least 425 acres with 65 rooms for overnight accommodations that serves at least two meals a day, a golf

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course, and tennis courts. - Amends TCA Title 57, Chapter 4. by *Johnson, *Bailey. (HB1735 by *Durham, *Williams, *Casada)

***Senate Bill No. 1561** -- Motor Vehicles - As introduced, establishes certification program through department of safety for manufacturers of autonomous vehicles before such vehicles may be tested, operated, or sold in Tennessee; creates a per mile tax structure for autonomous vehicles. - Amends TCA Title 47; Title 54, Chapter 1; Title 55 and Title 67. by *Green, *Harris, *Stevens, *Jackson. (HB1564 by *Carter, *McCormick)

***Senate Bill No. 1576** -- Administrative Procedure (UAPA) - As introduced, continues permanent rules filed with the secretary of state after January 1, 2015. by *Bell. (HB1624 by *Faison, *Ragan)

***Senate Bill No. 1775** -- State Government - As introduced, transfers bomb and arson section within the department of commerce and insurance to the TBI. - Amends TCA Title 38, Chapter 6 and Title 68, Chapter 102. by *McNally, *Hensley, *Bowling. (HB2047 by *McDaniel, *Carter)

Senate Bill No. 2375 -- Senior Citizens - As introduced, authorizes zoning consideration of temporary family healthcare structures. - Amends TCA Title 13; Title 68 and Title 71. by *Bell, *Bailey, *Bowling, *Green, *Gresham, *Roberts, *Stevens. (*HB2040 by *Farmer, *Carter, *Travis, *Wirgau)

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 14, 2016**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bills on the **Regular Calendar** for **April 18, 2016**: House Bills Nos. 2407, 1524, 2343, 2447, 1879, Senate Joint Resolution No. 467, House Bills Nos. 1664, 2126, 2107, 1922, 2424, 2489, 1424, 726, 2510, 1564, 2040, 2514, 2087, 2248, 1369, 2163, 2477, 199, 2026, 301, 1977, 2105, 1837, 2331, 2033, and 2557.

It further reports that it set the following bills and resolutions on the **Consent Calendar** for **April 18, 2016**: House Bill No. 2665, 1802, and 2662.

CONSENT CALENDAR

***House Bill No. 1060** -- County Government - As introduced, deletes an exemption for Washington County from the general law governing procedures for amending a county budget. - Amends TCA Title 5, Chapter 9, Part 4. by *Van Huss.

On motion, House Bill No. 1060 was made to conform with **Senate Bill No. 1180**; the Senate Bill was substituted for the House Bill.

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House Bill No. 1470 -- Hospitals and Health Care Facilities - As introduced, increases the membership of the board for licensing health care facilities from 18 to 19 by adding a member representing ambulatory surgical treatment centers to the board. - Amends TCA Title 68, Chapter 11, Part 2. by *White D, *Moody, *Hill M, *Brooks K, *Terry.

On motion, House Bill No. 1470 was made to conform with **Senate Bill No. 1468**; the Senate Bill was substituted for the House Bill.

House Bill No. 2664 -- Alexandria - As introduced, subject to local approval, moves the date of the city election to coincide with the August general county election; extends the four-year terms of office of the mayor and council members elected at the regular city elections held in September 2013 and September 2015 that are set to expire in 2017 and 2019, respectively. - Amends Chapter 31 of the Private Acts of 2009. by *Weaver.

House Bill No. 1624 -- Administrative Procedure (UAPA) - As introduced, continues permanent rules filed with the secretary of state after January 1, 2015. by *Faison, *Ragan.

House Resolution No. 270 -- Memorials, Recognition - Laurelwood Healthcare Center, 2015 Bronze - Commitment to Quality Award. by *Shaw.

House Resolution No. 271 -- - Stuart Speyer, Good Scout Award. by *Littleton.

House Resolution No. 272 -- Memorials, Recognition - Commemorates National Child Abuse Prevention Month. by *Gilmore.

House Resolution No. 273 -- Memorials, Interns - Monica Burks. by *Sparks, *Sexton J.

House Resolution No. 274 -- Memorials, Recognition - General Mills. by *Terry.

House Resolution No. 275 -- Memorials, Recognition - WLIK. by *Faison.

House Resolution No. 276 -- Memorials, Recognition - Grace Health Care of Cordova, 2015 Bronze - Commitment to Quality Award. by *McManus.

House Resolution No. 277 -- Memorials, Recognition - Harbert Hills Nursing Home, 2015 Bronze - Commitment to Quality Award. by *Kumar.

House Joint Resolution No. 961 -- Memorials, Interns - Sam Hubbell. by *Eldridge.

House Joint Resolution No. 962 -- Memorials, Death - Donna B. Jones. by *Powers.

House Joint Resolution No. 963 -- Memorials, Recognition - East Tennessee State University Chapter of College Republicans. by *Van Huss.

House Joint Resolution No. 964 -- Memorials, Recognition - Commemorate Childhood Cancer Awareness Day. by *Travis.

House Joint Resolution No. 965 -- Memorials, Death - Cleveland Grimes. by *Gravitt.

House Joint Resolution No. 966 -- Memorials, Interns - Chadwick Nottingham. by *Pitts.

House Joint Resolution No. 967 -- Memorials, Academic Achievement - Preston Nicely, Valedictorian, L&N STEM Academy. by *Armstrong.

House Joint Resolution No. 968 -- Memorials, Academic Achievement - Stephanie Spidell, Valedictorian, Austin-East Magnet High School. by *Armstrong.

House Joint Resolution No. 969 -- Memorials, Academic Achievement - Darrell Willis, Jr., Valedictorian, Austin-East Magnet High School. by *Armstrong.

House Joint Resolution No. 970 -- Memorials, Academic Achievement - Kiara Blain, Salutatorian, Austin-East Magnet High School. by *Armstrong.

House Joint Resolution No. 971 -- Memorials, Academic Achievement - Alec Bissell, Salutatorian, L&N STEM Academy. by *Armstrong.

House Joint Resolution No. 972 -- Memorials, Recognition - Tennessee State Museum and the Tennessee Fox Trot Carousel. by *Powell, *McDaniel, *Beck, *Love, *Swann.

House Joint Resolution No. 973 -- Memorials, Death - Jim Ridley. by *Powell.

House Joint Resolution No. 974 -- Memorials, Death - George Edward Barrett. by *Powell.

House Joint Resolution No. 975 -- Memorials, Death - Dale Gean. by *Byrd.

House Joint Resolution No. 976 -- Memorials, Academic Achievement - Will Ryan Henry, Valedictorian, Trousdale County High School. by *Weaver.

House Joint Resolution No. 977 -- Memorials, Academic Achievement - Ilysa Lane Crouch, Salutatorian, Trousdale County High School. by *Weaver.

House Joint Resolution No. 978 -- Memorials, Sports - Grainger High School Lady Grizzlies basketball team. by *Sexton J.

House Joint Resolution No. 979 -- Memorials, Personal Occasion - Bernice Rainey, 100th birthday. by *Wirgau.

House Joint Resolution No. 980 -- Memorials, Public Service - Ardeen Walters. by *Doss.

House Joint Resolution No. 981 -- Memorials, Sports - Giles County 15-year-old Babe Ruth State Champions. by *Doss.

House Joint Resolution No. 982 -- Memorials, Interns - John "Jay" Klein. by *McCormick.

House Joint Resolution No. 983 -- Memorials, Public Service - Representative Mike Harrison. by *Casada, *McCormick.

House Joint Resolution No. 984 -- Memorials, Public Service - Representative Jamie H. Jenkins. by *Casada, *McCormick.

House Joint Resolution No. 985 -- Memorials, Personal Occasion - Mary Ruth Robinson, 100th birthday. by *Turner.

House Joint Resolution No. 986 -- Memorials, Recognition - Cocke County Ramp Festival, May 13-14, 2016. by *Faison.

House Joint Resolution No. 987 -- Memorials, Academic Achievement - Maggie Dowling, Salutatorian, Signal Mountain High School. by *Hazlewood.

House Joint Resolution No. 988 -- Memorials, Academic Achievement - Bethany Burns, Valedictorian, Signal Mountain High School. by *Hazlewood.

House Joint Resolution No. 989 -- Memorials, Recognition - Type 1 Diabetes (Juvenile Diabetes) Awareness Month, November 2016. by *Lynn.

House Joint Resolution No. 990 -- Memorials, Recognition - Fentress County Fair, 2014 A Division Champion. by *Keisling.

House Joint Resolution No. 991 -- Memorials, Academic Achievement - Jacob Benjamin Shelton. by *Kumar.

House Joint Resolution No. 992 -- Memorials, Academic Achievement - Alexys Taylor Zeitelt, Salutatorian, Greenbrier High School. by *Kumar.

House Joint Resolution No. 993 -- Memorials, Academic Achievement - Macy Jo Burysek, Salutatorian, Christian Community Schools. by *Kumar.

House Joint Resolution No. 994 -- Memorials, Death - Carol Hardin. by *Kumar.

House Joint Resolution No. 995 -- Memorials, Recognition - Scott Thompson, 2016 President of Tennessee Road Builders Association. by *Hazlewood.

OBJECTION--CONSENT CALENDAR

Objection was filed to the following on the Consent Calendar:

House Bill No. 1624: by Rep. Alexander

Under the rules, House Bill No. 1624, was placed at the heel of the calendar for April 18, 2016.

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Rep. Byrd moved that all members voting aye on House Joint Resolution No. 975 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Butt, Holt, Pody, Ragan and Womick.

Rep. Gravitt moved that the Chattanooga delegation be added as co-prime sponsors on House Joint Resolution No. 965, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Butt, Holt, Pody, Ragan and Womick.

Rep. Sparks moved that all members voting aye on House Resolution No. 274 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Butt, Holt, Pody, Ragan and Womick.

Rep. Shaw moved that all Rep. Eldridge be added as second co-prime sponsor on House Resolution No. 270, which motion prevailed.

Rep. Kane moved that all members voting aye on House Joint Resolutions Nos. 856 and 857 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Butt, Holt, Pody, Ragan and Womick.

Rep. Lynn moved that all members voting aye on House Joint Resolution No. 989 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Butt, Holt, Pody, Ragan and Womick.

Rep. Casada moved that all members voting aye on House Joint Resolutions Nos. 983 and 984 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Butt, Holt, Pody, Ragan and Womick.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	87
Noes.....	0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sargent, Sexton C., Sexton J., Shaw, Shepard, Sparks, Stewart, Swann, Terry, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 87

A motion to reconsider was tabled.

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REGULAR CALENDAR

***House Bill No. 1779** -- Criminal Offenses - As introduced, makes various changes to the offense of stalking, including adding the use of a third party to contact or surveil the person to the definition of unsolicited contact. - Amends TCA Title 20, Chapter 14; Title 36, Chapter 3, Part 6 and Title 39. by *Coley, *Matlock, *Calfee, *Akbari, *Ragan, *Hill M, *Pitts, *Beck, *Lollar, *Hulsey, *Rogers, *Gilmore, *Goins, *Ramsey, *Hill T, *Weaver, *Hazlewood, *Hardaway. (SB1962 by *Yarbro, *Bowling, *Harris, *Ketron, *Briggs, *Dickerson, *Roberts)

Further consideration of House Bill No. 1779, previously considered on April 6, 2016, at which time it was reset for today's Calendar.

On motion, House Bill No. 1779 was made to conform with **Senate Bill No. 1962**; the Senate Bill was substituted for the House Bill.

Rep. Coley moved that Senate Bill No. 1962 be passed on third and final consideration.

Rep. Lamberth moved that Criminal Justice Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Mitchell moved that House Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Coley moved that **Senate Bill No. 1962** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 85
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Byrd, Calfee, Camper, Carter, Clemmons, Coley, Daniel, Doss, Dunlap, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 85

A motion to reconsider was tabled.

***House Bill No. 2238** -- Alcoholic Beverages - As introduced, increases the time alcoholic beverages may be sold at certain theaters from one hour prior to, during, and one hour after the performance to 90 minutes prior to, during, and 90 minutes after the performance. - Amends TCA Title 57, Chapter 4. by *Sargent, *McManus. (SB2104 by *Johnson)

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Further consideration of House Bill No. 2238, previously considered on March 31, 2016 and April 7, 2016, at which time it was reset for today's Calendar.

BILL HELD ON DESK

Rep. Sargent moved that House Bill No. 2238 be held on the Clerk's desk, which motion prevailed.

REGULAR CALENDAR, CONTINUED

***House Bill No. 1164** -- Health Care - As introduced, creates a special joint committee to study issues relative to lupus. - Amends TCA Title 4; Title 33; Title 56; Title 63 and Title 68. by *Turner, *Cooper, *Clemmons, *Shaw, *Miller, *Shepard, *Armstrong, *Akbari, *Parkinson, *Hardaway, *Mitchell, *Camper, *Gilmore, *Ramsey, *Stewart, *Eldridge, *Lynn, *Casada, *Hill M, *DeBerry, *Dunlap, *Favors, *Jernigan. (SB1143 by *Tate)

Further consideration of House Bill No. 1164, previously considered on April 13, 2016, at which time it was reset for today's Calendar.

Rep. Turner requested that House Bill No. 1164 be moved down five spaces on today's Calendar, which motion prevailed.

***House Bill No. 1654** -- Abortion - As introduced, clarifies that the consent required of a woman in order for medical experiments, research, or the taking of photographs upon her aborted fetus must be in writing. - Amends TCA Title 10, Chapter 7, Part 5; Title 39, Chapter 15, Part 2; Title 63, Chapter 6, Part 2; Title 68, Chapter 3 and Title 68, Chapter 30. by *Terry, *Moody. (SB2240 by *Hensley)

On motion, House Bill No. 1654 was made to conform with **Senate Bill No. 2240**; the Senate Bill was substituted for the House Bill.

Rep. Terry moved that Senate Bill No. 2240 be passed on third and final consideration.

Rep. Dunn moved adoption of House Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2240 by deleting all language following the enacting clause and substituting instead the following:

3726

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

SECTION 1. Tennessee Code Annotated, Section 39-15-208(a), is amended by deleting the language "without the prior knowledge and consent of the mother" and substituting instead "without the prior knowledge and written consent of the mother; provided, however, that prior knowledge and consent of the mother shall not be required when a person is taking photographs of the aborted fetus for the purpose of capturing images that the person reasonably believes depict evidence of a violation of a state or federal law, rule, or regulation".

SECTION 2. This act shall take effect July 1, 2016, the public welfare requiring it.

On motion, House Amendment No. 1 was adopted.

Rep. Terry moved that **Senate Bill No. 2240**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 89
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Clemmons, Coley, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 89

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **Senate Bill No. 2240** and have this statement entered in the Journal: Rep. Casada.

REGULAR CALENDAR, CONTINUED

***House Bill No. 1907** -- Health Care - As introduced, removes eight person limitation for traumatic brain injury residential homes. - Amends TCA Section 68-11-201 and Section 68-11-273. by *Hill M, *Van Huss, *Hill T, *Weaver, *Rogers, *Lamberth. (SB2183 by *Crowe, *Ketron, *Haile, *Green, *Briggs, *Yarbro, *Ramsey)

On motion, House Bill No. 1907 was made to conform with **Senate Bill No. 2183**; the Senate Bill was substituted for the House Bill.

3727

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

Rep. M. Hill moved that Senate Bill No. 2183 be passed on third and final consideration.

Rep. C. Sexton moved that Health Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. M. Hill moved that **Senate Bill No. 2183** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes.....	0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Daniel, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 89

A motion to reconsider was tabled.

***House Bill No. 976** -- Dentists and Dentistry - As introduced, adds federally qualified health centers to sites where dental hygienists may engage in preventive dentistry under a written protocol with a dentist; authorizes examinations by a dentist under this protocol by means of teledentistry. - Amends TCA Title 63. by *Hill M. (SB1214 by *Yarbro, *Crowe)

On motion, House Bill No. 976 was made to conform with **Senate Bill No. 1214**; the Senate Bill was substituted for the House Bill.

Rep. M. Hill moved that Senate Bill No. 1214 be passed on third and final consideration.

Rep. C. Sexton moved that Health Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. M. Hill moved that **Senate Bill No. 1214** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes.....	0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Fitzhugh, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts,

Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 90

A motion to reconsider was tabled.

House Bill No. 978 -- Codes - As introduced, enacts the "Tennessee Native Species Lumber Act." - Amends TCA Title 5; Title 6; Title 43, Chapter 28, Part 3 and Title 68, Chapter 120. by *Hill M. (*SB822 by *Bailey)

Rep. M. Hill moved that House Bill No. 978 be passed on third and final consideration.

Rep. Halford requested that Agriculture and Natural Resources Committee Amendment No. 1 be placed at the heel of the amendments.

Rep. Sargent moved adoption of Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

Amendment No. 2

AMEND House Bill No. 978 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 43, Chapter 28, Part 3, is amended by adding the following as a new, appropriately designated section:

(a) This section shall be known and may be cited as the "Tennessee Homestead Timber and Lumber Act".

(b) As used in this section:

(1) "Homestead lumber" means any lumber sawn entirely from homestead timber and used exclusively on the owner's property; and

(2) "Homestead timber" means any species of hardwood or softwood trees growing within the borders of this state and within the borders of a person's own property.

(c) Any person who uses homestead timber or homestead lumber may choose to be exempt from state or local building codes requiring timber or lumber to meet or exceed American Softwood Standard PS-20-70. All homestead timber and homestead lumber shall be branded with the owner's registered brand as provided in this part.

(d) If the branded homestead timber is sawn into lumber by a commercial sawmill, the sawmill owner or authorized representative shall provide

documentation to the property owner certifying that the homestead lumber was produced exclusively from logs of the homestead timber delivered to the mill.

(e) If branded homestead lumber is dried, re-sawn, resurfaced, or otherwise remanufactured at a facility other than the sawmill, the mill's owner or authorized

representative shall provide documentation to the property owner certifying that the products were produced exclusively from homestead lumber delivered to the mill.

(f) The documentation required pursuant to subsections (d) and (e) shall include:

(1) The quantity, by species of homestead timber or homestead lumber, received and the quantity of homestead lumber or lumber product produced;

(2) The property owner's address where the homestead timber or homestead lumber is to be used;

(3) The name and address of the commercial sawmill or other milling facility where the homestead timber was sawn, or where the homestead lumber or lumber product was produced;

(4) The date the homestead timber or homestead lumber was received and cut at the commercial sawmill, or the date the lumber or lumber product was produced;

(5) The signature of the commercial sawmill or milling facility owner or such owner's authorized representative; and

(6) The signature of the property owner and the date the homestead timber, homestead lumber, or lumber product was received by the property owner.

(g) The owner shall provide potential buyers or their agents a written description of the construction of structures built from homestead timber or lumber.

(h) The responsibility for the structural integrity of the homestead timber, homestead lumber, or lumber product used on the owner's property shall lie solely with the property owner.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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On motion, Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Halford moved that Agriculture and Natural Resources Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. M. Hill moved that **House Bill No. 978**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 88
Noes 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powers, Ragan, Ramsey, Reedy, Rogers, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Stewart, Swann, Terry, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 88

A motion to reconsider was tabled.

***House Bill No. 1164** -- Health Care - As introduced, creates a special joint committee to study issues relative to lupus. - Amends TCA Title 4; Title 33; Title 56; Title 63 and Title 68. by *Turner, *Cooper, *Clemmons, *Shaw, *Miller, *Shepard, *Armstrong, *Akbari, *Parkinson, *Hardaway, *Mitchell, *Camper, *Gilmore, *Ramsey, *Stewart, *Eldridge, *Lynn, *Casada, *Hill M, *DeBerry, *Dunlap, *Favors, *Jernigan. (SB1143 by *Tate)

Further consideration of House Bill No. 1164, previously considered on April 13, 2016 and today's Calendar.

Rep. Turner moved that House Bill No. 1164 be passed on third and final consideration.

Rep. C. Sexton moved adoption of Health Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1164 by deleting "to the 109th general assembly no later than February 1, 2016" and substituting instead the language "to the one hundred tenth general assembly no later than February 1, 2017".

On motion, Health Committee Amendment No. 1 was adopted.

Rep. Sargent moved that Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, be withdrawn, which motion prevailed.

Rep. Sargent moved that Finance, Ways & Means Committee Amendment No. 2, as House Amendment No. 3, be withdrawn, which motion prevailed.

Rep. Casada moved that House Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Hardaway moved adoption of House Amendment No. 5 as follows:

Amendment No. 5

AMEND House Bill No. 1164 by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION _____. The special task force shall only meet on days when the house of representatives and the senate are otherwise meeting in session or committee.

On motion, House Amendment No. 5 was adopted.

Rep. Turner moved that **House Bill No. 1164**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 90
Noes..... 1

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sargent, Sexton C., Sexton J., Shaw, Shepard, Sparks, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 90

Representatives voting no were: Pody -- 1

A motion to reconsider was tabled.

House Bill No. 1906 -- Medical Occupations - As introduced, authorizes a licensed podiatrist to supervise a physician assistant; requires a supervising podiatrist and physician assistant to comply with certain statutory requirements and administrative rules; prohibits a physician assistant supervised by a podiatrist from providing certain services; subjects a podiatrist to disciplinary action for failing to supervise properly a physician assistant. - Amends TCA Title 63, Chapter 19 and Title 63, Chapter 3. by *Hill M. (*SB1723 by *Crowe)

On motion, House Bill No. 1906 was made to conform with **Senate Bill No. 1723**; the Senate Bill was substituted for the House Bill.

Rep. M. Hill moved that Senate Bill No. 1723 be passed on third and final consideration.

Rep. C. Sexton moved that Health Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. M. Hill moved that **Senate Bill No. 1723** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 90
Noes 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sargent, Sexton C., Sexton J., Shaw, Shepard, Sparks, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 90

A motion to reconsider was tabled.

***House Bill No. 2013** -- Nurses, Nursing - As introduced, changes terminology from "medication aides certified" to "medication aide"; revises training and other requirements for medication aide program. - Amends TCA Title 63, Chapter 7 and Title 68. by *Hill M, *Jernigan. (SB2383 by *Bell)

On motion, House Bill No. 2013 was made to conform with **Senate Bill No. 2383**; the Senate Bill was substituted for the House Bill.

Rep. M. Hill moved that Senate Bill No. 2383 be passed on third and final consideration.

Rep. C. Sexton moved that Health Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. C. Sexton moved that Health Committee Amendment No. 2 be withdrawn, which motion prevailed.

Rep. C. Sexton requested that Health Committee Amendment No. 3 be placed at the heel of the amendments.

Rep. Faison moved adoption of Government Operations Committee Amendment No. 1, as House Amendment No. 4, as follows:

Amendment No. 4

3733

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

AMEND Senate Bill No. 2383 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-7-127, is amended by deleting the section in its entirety and substituting instead the following:

(a) As used in this section, "medication aide" means an individual who administers medications under the general supervision of a licensed registered or practical nurse pursuant to this section. During the course of administering medication, a medication aide shall not be assigned any other nonmedication administration duties. A medication aide shall not be prohibited from responding, as appropriate, to an emergency.

(b) Any nursing home or assisted care living facility licensed pursuant to title 68 or a Program for All-Inclusive Care for the Elderly (PACE) as defined in § 56-2-121(b) may use one (1) or more medication aides to administer medications, as set forth in this section, to its patients; provided, that each and every individual used as a medication aide shall hold a current, valid medication aide certificate issued by the board of nursing under this section.

(c) When carrying out their responsibilities under this section, medication aides shall wear a name tag visible to others that displays the designation "Medication Aide". (d) An individual seeking certification as a medication aide shall apply to the board of nursing on a form prescribed and provided by the board in writing or via online application. The individual shall also pay the applicable certification fee established by the board.

(e) To be eligible to receive a medication aide certificate, an applicant shall:

(1) Be at least eighteen (18) years of age;

(2) Have completed the twelfth grade or its equivalent, or have successfully passed the test for and received a general equivalency diploma;

(3) Be a nurse aide, duly certified under the standards established under federal law and title 68, chapter 11, part 2, who has practiced as a certified nurse aide in a nursing home or assisted care living facility or a Program for All-Inclusive Care for the Elderly (PACE) as defined in § 56-2-121(b) for a minimum of one (1) year at the time the applicant submits an application for certification as a medication aide;

(4) Have successfully completed the course of instruction provided by a training program approved by the board under subsection (i); and

(5) Have passed a standardized examination.

(f) If an applicant meets the requirements of subsection (e), the board shall issue a medication aide certificate to the applicant.

(g) A medication aide certificate is valid for two (2) years, unless it is earlier suspended or revoked. The certificate may be renewed in accordance with procedures specified in rules promulgated by the board under this section. To be eligible for renewal, an applicant shall pay a renewal fee established by the board and shall:

(1) Have completed all continuing education or continued competency requirements, or both, necessary to maintain nurse aide certification under title 68, chapter 11, part 2, and the rules promulgated pursuant to title 68, chapter 11, part 2; and

(2) Have completed a total of six (6) contact hours per year of continuing education; provided, that five (5) hours of the continuing education shall be in pharmacology provided by a licensed pharmacist or registered nurse.

(h)

(1) The board has the power to deny, revoke, or suspend any certificate to practice as a medication aide or to otherwise discipline a certificate holder, including imposing civil monetary penalties, upon proof that the medication aide:

(A) Is guilty of fraud or deceit in procuring or attempting to procure a certificate as a medication aide;

(B) Is guilty of a crime;

(C) Is addicted to alcohol or drugs to the degree of interfering with the medication aide's professional duties;

(D) Is mentally incompetent;

(E) Is unfit or incompetent by reason of negligence, habits, or other cause, including the following:

(i) Intentionally or negligently causing physical or emotional injury to a patient;

(ii) Failing to assist in maintaining a facility record for each patient that accurately reflects the medication administration by the medication aide or failure to maintain a record for each patient that accurately reflects the name and title of the aide providing care, or both;

(iii) Using or removing without authorization drugs, supplies, or equipment from any licensed nursing home, assisted care living facility, or Program for All-Inclusive Care for the Elderly (PACE) as defined in § 56-2-121(b);

(iv) Using any intoxicating beverage or illegally using any narcotic or dangerous drug while on duty in any licensed nursing home, assisted care living facility, or Program for All-Inclusive Care for the Elderly (PACE) as defined in § 56-2-121(b);

(v) Being under the influence of alcoholic beverages, or under the influence of drugs that impair judgment while on duty in any licensed nursing home, assisted care living facility, or Program for All-Inclusive Care for the Elderly (PACE) as defined in § 56-2-121(b);

(vi) Impersonating another licensed or certified healthcare provider;

(vii) Having received a revocation, suspension, probation, or other discipline of a certificate to practice as a medication aide, or its equivalent, or as a certified nurse aide, by another state for any act or omission that would constitute grounds for the revocation, suspension, probation, or other discipline of a certificate in this state;

(viii) Practicing as a medication aide certified in this state on a lapsed certificate;

(ix) Aiding, abetting, or assisting an individual to violate or circumvent any law or duly promulgated rule intended to guide the conduct of any certified or licensed healthcare provider;

(x) Exercising undue influence on a patient, including the promotion or sale of services, goods, appliances, or drugs in such a manner as to exploit the patient for financial gain of the medication aide or of a third party;

(xi) Discriminating in the rendering of services as it relates to race, age, sex, religion, national origin, or the condition of the patient;

(xii) Violating confidentiality of information or knowledge concerning the patient, except when required to do so by a court of law;

(xiii) Failing to take appropriate action in safeguarding the patient from incompetent healthcare practices;

(xiv) Failing to report, through proper channels, facts known to the individual regarding incompetent, unethical, or illegal practices of any healthcare provider;

(xv) Performing healthcare techniques or procedures without proper education and practice; or

(xvi) Engaging in acts of dishonesty that relate to the practice of a medication aide;

(F) Is convicted of any one (1) of the following crimes:

(i) First degree murder, § 39-13-202;

(ii) Second degree murder, § 39-13-210;

(iii) Kidnapping, § 39-13-303;

(iv) Aggravated kidnapping, § 39-13-304;

(v) Especially aggravated kidnapping, § 39-13-305;

(vi) Aggravated robbery, § 39-13-402;

(vii) Especially aggravated robbery, § 39-13-403;

(viii) Aggravated rape, § 39-13-502;

(ix) Rape, § 39-13-503;

(x) Exploitation of an adult under § 39-14-111; or

(xi) Abuse, neglect, or exploitation of an adult under § 71-6-117;

(G) Furnished or otherwise provided the board with false or incomplete information on an application for a certificate regarding the individual's criminal conviction record; or

(H) Has violated or attempted to violate, or assisted in or abetted the violation of, or conspired to violate, this chapter, any duly promulgated rule, or any lawful order of the board issued pursuant to this chapter.

(2) All disciplinary actions taken by the board under this section shall conform to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 3, and may be heard by a screening panel pursuant to § 63-7-115(c).

(i)

(1) A qualified entity seeking approval to provide a medication aide training program shall apply to the board of nursing on a form prescribed and provided by the board, along with the applicable fee established by the board.

(2) The board shall approve the applicant described in subdivision (i)(1) if the applicant is a qualified entity, or a combination of qualified entities, and if the content of the course of instruction to be provided by the program meets the standards, specified by the board in rules promulgated under this section, and includes:

(A) At least sixty (60) hours of instruction, consisting of forty (40) classroom hours and twenty (20) clinical hours. The standard minimum curriculum shall be determined by the board of nursing and shall include appropriate instruction to enable communication, attention to safety, knowledge of medications, and other factors as determined necessary by the board; and

(B) A supervised clinical practice component that includes an approved medication aide training program sufficient to assure that students are prepared to administer medications as a medication aide in a safe and effective manner and that:

(i) Consists of twenty (20) hours, including experience in tasks related to the administration of medication, and that is conducted under the direction and supervision of a licensed nurse;

(ii) Requires any licensed nursing home, assisted care living facility, or Program for All-Inclusive Care for the Elderly (PACE) as defined in § 56-2-121(b) participating in the training program to have a written agreement to provide licensed nurse supervision of the student; and

(iii) Requires supervision of a student engaged in medication administration by a licensed nurse.

(3) The board may deny, suspend, or revoke the approval granted to the qualified entity of a medication aide training program for reasons specified in rules promulgated under this subsection (i). All actions taken by the board to deny, suspend, or revoke the approval of a

training program shall conform to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(j)

(1) The board shall provide or contract for the provision of standardized medication aide examination services by:

(A) Publishing an annual schedule of examination schedules and sites;

(B) Scheduling tests to be administered, except when no individual is scheduled to test at a particular test site;

(C) Publishing the number of individuals passing and failing the exam on at least a quarterly basis;

(D) Requiring the minimum passing grade to be eighty-five percent (85%) for the examination; and

(E) Requiring individuals who fail any portion of the examination two (2) consecutive times to repeat the course of training as set forth in subsection (i) prior to taking the examination again.

(2) In accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, the board shall have rulemaking authority to establish any necessary rules for the administration of this subsection (j).

(k)

(1)

(A) Except for the prohibited medications and the methods of medication administration specified in subdivision (k)(3), a medication aide, who holds a current, valid medication aide certificate issued under this section, may administer medications to the residents of nursing homes or assisted care living facilities or to the participants of Programs for All-Inclusive Care for the Elderly (PACE) as defined in § 56-2-121(b) that use medication aides pursuant to this section. A medication aide shall administer medications only pursuant to delegation by a licensed nurse.

(B) A delegation of medication administration to a medication aide shall be carried out in accordance with the rules for nursing delegation adopted under this chapter by the board of nursing.

(C) A medication aide may only administer medication after:

(i) Each resident is evaluated by a licensed nurse on admission and after any change in status, acuity, or medication; and

(ii) The licensed nurse makes a determination that it is appropriate for the resident to receive medication by a medication aide.

(2) In exercising the authority to administer medications pursuant to a nursing delegation, a medication aide may administer medications in any of the following categories:

(A) Oral medications;

(B) Topical medications; and

(C) Any medications set forth in subdivision (k)(2)(A) or (k)(2)(B) prescribed with a designation authorizing or requiring administration on an as-needed basis, but only if a nursing assessment of the patient is completed by a nurse licensed under this title before the medication is administered.

(3) A medication aide shall not:

(A) Administer medications when administration would require a dosage decision or calculation;

(B) Directly receive orders from a physician or other medication prescriber;

(C) Administer barium or other contrast media;

(D) Administer chemotherapeutic agents;

(E) Administer rectal and vaginal medications;

(F) Apply topical medications ordered for the treatment of pressure ulcers or skin grafts;

(G) Change a dosage amount to adhere to a change in a physician's order;

(H) Administer medications delivered by aerosol / nebulizers; or

(I) Administer medications delivered by metered hand-held inhalers without a spacer.

(4) A medication aide shall not, under any circumstances, administer medications by certain methods or routes, or both, as determined by rule. These methods or routes include, but are not limited to, the following:

(A) Injection;

(B) Intravenous;

(C) Central lines;

(D) Intrathecal;

(E) Colostomy;

(F) A surgically placed feeding tube, such as gastrostomy or jejunostomy;

(G) Nasogastric;

(H) Intradermal;

(I) Urethral;

(J) Epidural;

(K) Endotracheal;

(L) Intramuscular;

(M) Subcutaneous; or

(N) Non-metered inhaler.

(I)

(1) The board of nursing shall adopt rules to implement this section. These rules shall take effect no later than January 1, 2017. All rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(2) The rules adopted to implement this section shall at a minimum establish or specify the following:

(A) Fees, in an amount sufficient to cover the costs the board incurs in implementing this section;

(B) Procedures for renewal of medication aide certificates;

(C) Grounds for discipline of applicants or certificate holders, or both;

(D) Standards for approval of peer support programs for the holders of medication aide certificates; and

(E) Procedures for approval or denial of medication aide training programs.

(m) A licensed nurse for the purpose of this section shall include a registered nurse, a licensed practical nurse, or either one.

(n)

(1) Any nursing home or assisted care living facility licensed pursuant to title 68 or a Program for All-Inclusive Care for the Elderly (PACE) as defined in § 56-2-121(b) that uses one (1) or more medication aides to administer medications shall implement as part of its facility policy a plan for the tracking and recording of:

(A) Any medication error; and

(B) Any incident of opioid or benzodiazepine diversion.

(2) The incidents of medication error and diversion of opioids and benzodiazepines shall be made available to duly appointed representatives of the department of health pursuant to § 68-11-210.

SECTION 2. For rulemaking purposes, this act shall take effect on becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2017, the public welfare requiring it.

On motion, Government Operations Committee Amendment No. 1, as House Amendment No. 4, was adopted.

Rep. C. Sexton moved adoption of Health Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 2383 by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION _____. Notwithstanding this act or the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5, any rule promulgated to implement the provisions of this act shall be provided to the chairs of the health committee of the house of representatives and the health and welfare committee of the senate by the secretary of state, after approval by the attorney general and reporter, at the same time the text of the rule is made available to the government operations committees of the senate and the house of representatives for purposes of conducting the review required by § 4-5-226 in order for the health committee of the house of representatives and the health and welfare committee of the senate to be afforded the opportunity to comment on the rule.

On motion, Health Committee Amendment No. 3 was adopted.

Rep. M. Hill moved that **Senate Bill No. 2383**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	73
Noes.....	15
Present and not voting.....	2

Representatives voting aye were: Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Clemmons, Coley, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Jenkins, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Moody, Pody, Powers, Ragan, Ramsey, Reedy, Rogers, Sargent, Sexton C., Sexton J., Shepard, Sparks, Swann, Terry, Todd, Travis, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 73

Representatives voting no were: Armstrong, Cooper, Favors, Fitzhugh, Hardaway, Jones, Miller, Mitchell, Parkinson, Pitts, Powell, Shaw, Stewart, Towns, Turner -- 15

Representatives present and not voting were: Akbari, Camper -- 2

A motion to reconsider was tabled.

House Bill No. 2187 -- Campaigns and Campaign Finance - As introduced, creates a Class 2 offense for a series LLC to contribute to political campaign committees. - Amends TCA Title 2, Chapter 10; Title 2, Chapter 19 and Title 48, Chapter 249. by *Hill M. (*SB1890 by *Niceley)

BILL HELD ON DESK

Rep. M. Hill moved that House Bill No. 2187 be held on the Clerk's desk, which motion prevailed.

REGULAR CALENDAR, CONTINUED

3743

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

***House Bill No. 2439** -- Utilities, Utility Districts - As introduced, enacts the "Municipal Energy Authority Act." - Amends TCA Title 7. by *Hill M. (SB2430 by *Crowe, *Bowling)

On motion, House Bill No. 2439 was made to conform with **Senate Bill No. 2430**; the Senate Bill was substituted for the House Bill.

Rep. M. Hill moved that Senate Bill No. 2430 be passed on third and final consideration.

Rep. Marsh moved adoption of Business and Utilities Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2430 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 7, is amended by adding the following as a new chapter:

7-41-101. This chapter shall be known and may be cited as the "Municipal Energy Authority Act".

7-41-102. As used in this chapter:

(1) "Acquire" means to construct or to acquire by purchase, lease, lease-purchase, devise, gift, exercise of the power of eminent domain, or exercise of any other mode of acquisition;

(2) "Associated municipality" means a municipality that has adopted home rule, that is located in a county having a population of one hundred fifty thousand (150,000) or less, according to the 2010 federal census or any subsequent federal census, and that, as of the date an authority is formed under this chapter, operates an electric system under the authority of title 7, chapter 52, the municipality's home rule charter, or otherwise applicable law;

(3) "Authority" means an authority created pursuant to this chapter;

(4) "Board" means the board of directors of the authority;

(5) "Bonds" means bonds, interim certificates, notes, debentures, lease-purchase agreements, and all other evidences of indebtedness either issued by or the payment of which has been assumed by the authority;

(6) "Dispose" means to sell, lease, convey, or otherwise transfer any property or any interest in property of the authority;

(7) "Electric service" means the furnishing of electric power and energy for lighting, heating, power, or any other purpose for which electric power and energy can be used;

(8) "Energy" means any and all forms of energy no matter how or where generated or produced;

(9) "Federal agency" means the United States, the president of the United States, the Tennessee Valley authority, and any other authority, agency, instrumentality, or corporation of the United States;

(10) "Governing body" means the legislative body of the associated municipality creating an authority pursuant to this chapter or, as applicable in § 7-41-110, the legislative body of another municipality;

(11) "Improve" means to construct, reconstruct, repair, extend, enlarge, or alter;

(12) "Improvement" means any extension, betterment, or addition to any system;

(13) "Municipal bonds" means bonds of the associated municipality issued to finance or refinance any of the systems;

(14) "Municipal electric system" means the electric system division or department of the associated municipality;

(15) "Municipality" means any county or incorporated city or town within or outside this state;

(16) "Person" means any natural person, firm, association, corporation, limited liability company, business trust, partnership, or governmental entity;

(17) "Refunding bonds" means bonds of the authority issued to refund all or any part of bonds of the authority or the municipal bonds;

(18) "Supervisory board" means the board of public utilities or other similar body of the associated municipality, as such board is constituted as of the date an authority is formed pursuant to this chapter;

(19) "System" means any plant, works, facility, property, or parts thereof, together with all appurtenances thereto, used or useful in connection with the furnishing of any of the services and commodities authorized to be provided in this chapter, including generation or production facilities, transmission facilities, and distribution facilities, and all real and personal property of every nature comprising part of or used or useful in connection with a "system", and all appurtenances, contracts, leases, franchises, and other intangibles relating to a "system"; and

(20) "Telecommunications service" means telephone, cable television, voice, data, or video transmissions, video programming, Internet access and related services, load control, meter reading, appliance monitoring, power exchange, and billing, or any other telecommunications services or similar or component service that may be provided, as allowed by law, including servicing and repairing related equipment, regardless of the facilities used.

7-41-103.

(a) If the governing body of an associated municipality, by appropriate resolution, duly adopted by a two-thirds (2/3) or greater vote, finds and determines that it is wise, expedient, necessary, or advisable that an authority be formed, it shall authorize the mayor of the associated municipality or other person to proceed to form an authority, and shall approve the form of certificate of incorporation proposed to be used in organizing the authority, and then the mayor or other person authorized by the resolution shall execute, acknowledge, and file a certificate of incorporation for the corporation as provided in this chapter.

(b) No authority may be formed pursuant to this chapter unless the governing body has adopted a resolution as provided in this section.

7-41-104.

(a) The certificate of incorporation shall set forth:

(1) The name of the authority;

(2) A recital that permission to organize the authority has been granted by resolution duly adopted by the governing body of the associated municipality and the date of the adoption of the resolution;

(3) The location of the principal office of the authority;

(4) The purposes for which the authority is proposed to be organized;

(5) The number of directors of the authority;

(6) The period for the duration of the authority, if other than perpetual; and

(7) Any other matter that the governing body of the associated municipality may choose to insert in the certificate of incorporation, which shall not be inconsistent with this chapter or with the laws of this state. It shall not be necessary to set forth in the certificate of incorporation the powers enumerated in this chapter.

(b) The certificate of incorporation shall be acknowledged by the mayor of the associated municipality or other person authorized by the resolution described in § 7-41-103 before an officer authorized by the laws of this state to take acknowledgments of deeds.

7-41-105.

(a) When executed and acknowledged in conformity with § 7-41-104, the certificate of incorporation shall be filed with the secretary of state. The secretary of state shall examine the certificate of incorporation and, if the secretary of state finds that the recitals contained in the certificate of incorporation are correct, that the requirements of § 7-41-104 have been complied with, and that the name is not identical with or so nearly similar to that of another entity already in existence in this state as to lead to confusion and uncertainty, then the secretary of state shall approve the certificate of incorporation and record it in an appropriate book of record in the secretary of state's office.

(b) When the certificate has been made, filed, and approved, the corporate existence shall begin, and the certificate shall be conclusive evidence that the authority has been formed pursuant to this chapter.

(c) Upon its formation, a governmental authority shall be created and constituted. The authority shall be a public corporation under the corporate name set forth in its certificate of incorporation, and shall under that name be a political subdivision of this state and a body politic and corporate. The authority shall be for the purpose of planning, acquiring, constructing, improving, furnishing, equipping, financing, owning, operating, and maintaining electric utility and telecommunications systems within or outside the corporate limits of the associated municipality and within or outside this state.

(d) An authority may elect to adopt one (1) or more assumed corporate names other than its true corporate name. Before conducting affairs in this state under an assumed corporate name or names, the authority shall, for each assumed corporate name, pursuant to resolution by its board of directors, execute and file an application with the secretary of state setting forth the true corporate name of the authority as stated in its certificate of incorporation, that the authority intends to transact business under an assumed corporate name, and the assumed corporate name which it proposes to use. An authority may, by resolution of its board of directors, amend or withdraw any of its assumed corporate names by filing notice of such amendment or withdrawal with the secretary of state.

7-41-106.

(a) The certificate of incorporation may, at any time, be amended so as to make any changes in the certificate of incorporation and add any provisions to the certificate of incorporation that might have been included in the original certificate of incorporation.

(b) An amendment to the certificate of incorporation shall be effected in the following manner:

(1) The members of the board of directors of the authority shall file with the governing body of the associated municipality an application in writing seeking permission to amend the certificate of incorporation, specifying in such application the amendment proposed to be made;

(2) The governing body shall consider the application and, if it shall, by appropriate resolution, duly find and determine that it is wise, expedient, necessary, or advisable that the proposed amendment be made and shall authorize the amendment to be made and shall approve the form of the proposed amendment, then the persons making application shall execute an instrument embodying the amendment specified in the application, and shall file the application with the secretary of state;

(3) The proposed amendment shall be subscribed and acknowledged by each member of the board of directors before an officer authorized by the laws of this state to take acknowledgments to deeds; and

(4) The secretary of state shall examine the proposed amendment and, if the secretary of state finds that the requirements of this section have been complied with and the proposed amendment is within the scope of what might be included in an original certificate of incorporation pursuant to § 7-41-104, then the secretary of state shall approve the amendment and record it in an appropriate book in the secretary of state's office.

(c) When an amendment has been made, filed, and approved, it shall become effective and the certificate of incorporation shall be amended pursuant to subsection (b) to the extent provided in the amendment.

(d) No certificate of incorporation shall be amended except in the manner provided in this section.

7-41-107. The authority is authorized, effective immediately upon the effective date of its formation, either singly or jointly with one (1) or more persons, municipalities, or federal agencies, or with this state, or with one (1) or more agencies or instrumentalities of this state or any municipality:

(1) To sue and be sued;

(2) To have a seal and alter the same at pleasure;

(3) To acquire, construct, improve, furnish, equip, finance, own, operate, and maintain within or outside the corporate limits of the associated municipality, a system for the furnishing of electrical service and to provide electric service to

any person, governmental entity, or other user or consumer of electric services within or outside the associated municipality. The system shall be operated as a financially separate system independent of, and financially separate from, the other utility systems of the authority, and, except to the extent the authority succeeds to the rights and powers of the municipal electric system, the authority shall not exercise any of the powers granted in this subdivision (3) wholly or partly within the legal boundaries of an incorporated city or town or electric cooperative, except as allowed by law;

(4) To acquire, construct, improve, furnish, equip, finance, own, operate, and maintain within and outside the corporate limits of the associated municipality, a system for the furnishing of telecommunications service and to provide telecommunications service to any person, governmental entity, or other user or consumer of telecommunications services within or outside the associated municipality. The system shall be operated as a financially separate system independent of, and financially separate from, the other utility systems of the authority; provided:

(A) To the extent that the authority, or any joint venture, partnership, or cooperative arrangement of which the authority is a party, or any limited liability company or not-for-profit corporation of which the authority is a member provides telephone or telegraph services, the authority, or such other entity, shall be subject to regulation by the Tennessee regulatory authority in the same manner and to the same extent as other certified providers of such services, including, but not limited to, rules or orders governing anticompetitive practices, and shall be considered as and have the duties of a public utility, as defined in § 65-4-101, but only to the extent necessary to effect such duties and only with respect to the authority's provision of telephone and telegraph services;

(B) The authority shall have all the powers and authority conferred upon municipalities by §§ 7-52-401; 7-52-402; 7-52-403; 7-52-405; 7-52-406; 7-52-601 – 7-52-605, but excluding any requirement under § 7-52-603(a)(1)(A) to create multiple divisions for telecommunications services; and §§ 7-52-609 – 7-52-611. In the exercise of such powers, the authority shall be subject to all the obligations, restrictions, and limitations imposed upon municipalities by those sections and imposed upon providers of the services described in those sections by federal law. All actions authorized by those sections to be taken by the board or supervisory body having responsibility for a municipal electric plant shall be authorized to be taken by the board of directors of the authority and all powers granted to a municipal electric system under those statutes shall be exercised by the electric division of the authority;

(C) Nothing in this subdivision (4) shall operate to restrict or impair in any way the ability of the authority to acquire, construct, improve, furnish, equip, finance, own, operate, and maintain a telecommunications system or to offer or provide telecommunications

services through its electric system, if such system and services are related to the provision of electric service or the operation of the electric system, including, without limitation, load control, meter reading, appliance monitoring, power exchange, billing, or any other similar or component service; and

(D) Notwithstanding this chapter to the contrary, the authority shall be subject to the territorial limitations set forth in § 7-52-601 in the same manner and to the same extent as such limitations apply from time to time to a municipal electric system providing services pursuant to § 7-52-601;

(5) To fix, levy, charge, and collect fees, rents, tolls, or other charges for the use of, or in connection with, any system of the authority as shall be consistent with the provision of the services pursuant to this chapter or sale or other disposition of the commodities provided by the various utilities authorized in this section based on cost, sound economy, public good, and prudent business operations, which fees, rents, tolls, or charges shall be established by the board without the necessity of review or approval by any other municipality, the state, or any commission or authority thereof or any federal agency other than as provided in federal statutes or contracts and other than as provided in subdivision (4). Whenever any fees, rents, tolls, or other charges for telephone or telegraph services regulated pursuant to subdivision (4) are to change, such fees, rents, tolls, or charges shall be established by the board and be subject to review and approval by the Tennessee regulatory authority in the same manner and to the same extent as other certified providers of such services;

(6) To acquire, hold, own, and dispose of property, real and personal, tangible and intangible, or interests therein, in its own name, subject to mortgages or other liens or otherwise and to pay for property in cash or on credit through installment payments, and to secure the payment of all or any part of any installment obligations in connection with any acquisition;

(7) To have complete control and supervision of any system of the authority and to make such rules governing the rendering of service thereby as may be just and reasonable;

(8) To contract debts, borrow money, issue bonds, and enter into lease-purchase agreements to acquire, construct, improve, furnish, equip, extend, operate, or maintain any system, or any part thereof, or to provide the authority's share of the funding for any joint undertaking or project, and to assume and agree to pay any indebtedness incurred for any of the purposes described in this subdivision (8);

(9) To accept gifts or grants of money or property, real or personal, and voluntary and uncompensated services or other financial assistance from any person, state agency, federal agency, or municipality, for, or in aid of, the acquisition or improvement of any system;

(10) To accept and distribute voluntary contributions for bona fide economic development or community assistance purposes pursuant to programs approved by the board, which programs may include, but shall not be limited to, programs in which bills to customers are rounded up to the next dollar when such contribution is shown as a separate line on the bill, and contributions accepted pursuant to such programs shall not be considered revenue to the authority and such contributions shall be used only for economic development or community assistance purposes;

(11) To condemn either the fee or such right, title, interest, or easement in property as the board may deem necessary for any of the purposes mentioned in this chapter, and such property or interest in such property may be so acquired whether or not the same is owned or held for public use by corporations, associations, or persons having the power of eminent domain, or otherwise held or used for public purposes, and such power of condemnation may be exercised in the method of procedure prescribed by title 29, chapter 16, or in the method of procedure prescribed by any other applicable statutory provisions for the exercise of the power of eminent domain; provided, however, that where title to any property sought to be condemned is defective, it shall be passed by decree of court. Where condemnation proceedings become necessary, the court in which such proceedings are filed shall, upon application by the authority and upon the posting of a bond with the clerk of the court in such amount as the court may deem commensurate with the value of the property, order that the right of possession shall issue immediately or as soon and upon such terms as the court, in its discretion, may deem proper and just;

(12) To make and execute any contract and instrument necessary or convenient for the full exercise of the powers granted in this section, and in connection therewith to stipulate and agree to such covenants, terms, and conditions, and such term or duration as shall be appropriate, including, without limitation, contracts for the purchase or sale of any of the commodities or services authorized in this section to be provided by the authority, and carry out and perform the covenants, terms, and conditions of such contracts and instruments. In connection with any contract to acquire or sell any of the commodities or services authorized in this section, the authority may enter into commodity price exchange or swap agreements, agreements establishing price floors or ceilings, or both, or other price hedging contracts with any person or entity under such terms and conditions as the authority may determine, including, without limitation, provisions permitting the authority to indemnify or otherwise pay any person or entity for any loss of benefits under such agreement upon early termination thereof or default thereunder. When entering into any such contract or arrangement or any such swap, exchange, or hedging agreement evidencing a transaction bearing a reasonable relationship to this state and also to another state or nation, the authority may agree in the written contract or agreement that the rights and remedies of the parties thereto shall be governed by the laws of this state or the laws of such other state or nation; provided, that jurisdiction over the authority shall lie solely in the courts sitting in the county where the authority's principal office is located. Nothing in the selection of laws of another state or nation shall alter, impair, or modify the rights, privileges, and

obligations of the authority as a governmental entity under this chapter and under the laws of this state;

(13) To sell, exchange, or interchange any of the commodities or services authorized to be provided in this section either within or outside this state and to establish prices to be paid for such commodities or services, and establish pricing structures with respect thereto, including provision for price rebates, discounts, and dividends; and, in connection with any such sales, exchanges, or interchanges, to act as agent for such consumers, to secure contracts and arrangements with other entities or persons, to make contracts for the sale, exchange, interchange, pooling, transmission, or distribution of any of the commodities or services authorized to be provided in this section, inside or outside this state, and to transmit, transport, and distribute any such commodities or services both for itself and on behalf of others;

(14) To make contracts and execute instruments containing such covenants, terms, and conditions as may be necessary, proper, or advisable for the purpose of obtaining loans from any source, or grants, loans, or other financial assistance from the state or any federal agency, and to carry out and perform the covenants and terms and conditions of all such contracts and instruments;

(15) To enter on any lands, waters, and premises for the purpose of making surveys, soundings, and examinations in connection with the acquisition, improvement, operation, or maintenance of any system and the furnishing of any of the services authorized to be provided in this section;

(16) To use any right-of-way, easement, or other similar property right necessary or convenient in connection with the acquisition, improvement, operation, or maintenance of one (1) or more systems, held by this state, the associated municipality, or any other municipality; provided, that such other municipality shall consent to such use;

(17) To provide to any municipality, person, federal agency, this state, or any agency or instrumentality thereof, transmission or transportation capacity for any of the commodities or services authorized in this section, and management and purchasing services associated therewith;

(18) To employ, engage, retain, and pay compensation to such officers, agents, consultants, professionals, and employees of the authority as shall be necessary to operate the systems, manage the affairs of the authority, and otherwise further the purposes of the authority and the exercise of the powers thereof, and to fix their compensation and to establish a program of employee benefits, including a retirement system;

(19) To establish a retirement system for all employees of the authority and to maintain all rights and benefits of employees as they existed under the retirement system of the municipal electric system without diminution;

(20) To enter into joint ventures and cooperative arrangements with one (1) or more persons, including the formation of a partnership, limited liability company, or not-for-profit corporation to accomplish any of the purposes set forth in this section or to exercise any of the powers set forth in this section;

(21) Upon proper action by the associated municipality, to commence operating the systems and to exercise exclusive control and direction of the systems and, upon proper action by the associated municipality, to accept title to the assets and assume the liabilities of the systems, and upon such action to hold all the rights as existed with the municipal electric system without diminution;

(22) To do business under one (1) or more assumed corporate names pursuant to § 7-41-105(d);

(23) To manage and operate utility systems owned by other persons. Such management or operating agreements shall be consistent with subdivision (3), as applicable;

(24) To enter into mutual aid agreements with other utility systems and other persons;

(25) To assist persons to whom electric power, energy, or telecommunications is sold in installing fixtures, appliances, apparatus, and equipment of all kinds and character and, in connection therewith, to purchase, acquire, lease, sell, distribute, make loans, provide service contracts, and repair such fixtures, appliances, apparatus, and equipment and sell, assign, transfer, endorse, pledge, and otherwise dispose of notes or other evidences of indebtedness any and all type of security therefor;

(26) To have such powers as are now or hereafter authorized for electric systems of municipalities within this state; and

(27) To do any act authorized in this section or necessary or convenient to carry out the powers expressly given in this chapter under, through, or by means of its own officers, agents, and employees, or by contracts with any person, federal agency, or municipality.

7-41-108. Each utility system of the authority shall operate independently of the others and shall be self-sustaining, except as otherwise provided in this chapter.

7-41-109.

(a) The affairs of the authority and the exercise of the powers of the authority shall be vested in the board of directors. The following powers shall be exercised directly by the board by resolution of the board:

(1) Selection and employment of the president, who shall serve as the chief executive officer of the authority, who shall serve at the pleasure of the board, and whose compensation shall be set by the board. Nothing in this chapter shall prevent the board from entering into an employment contract with the president. The president shall select, employ, and discharge all employees and fix their duties and compensation;

(2) Issuance of bonds of the authority and the encumbering of assets of the authority, to the extent authorized in this chapter, to secure any such bonds;

(3) Approval of rates of each of the systems;

(4) Approval of the annual budget of each of the systems;

(5) Adoption of bylaws for the conduct of the business of the board;

(6) Selection of any certified public accountant to perform audits of the books and affairs of the authority; and

(7) Adoption of a purchasing policy for the authority and the approval of purchases and disposition of property in accordance with the terms thereof.

(b) All other powers of the authority shall be exercised by the president of the authority and the officers, agents, and employees of the authority, except as otherwise provided in this chapter.

7-41-110.

(a) The initial board of directors of the authority shall be composed of the members of the board of directors of the supervisory board, who shall serve as directors for the unexpired terms of their appointment to the board of directors of the supervisory board and who shall take office and begin exercising the powers granted in this section immediately upon the registration date of the certificate of incorporation.

(b) All subsequent appointments shall be for four-year terms, or such other term length as may be set forth in the certificate of incorporation, commencing upon the expiration of the prior director's specific term. Except as otherwise provided in the certificate of incorporation, the board of directors shall fill vacancies, subject to the approval of the governing body of the associated municipality, or such governing body of another municipality having appointment power for a member of the supervisory board at the time the authority is formed. In the event the applicable governing body does not approve the person thus appointed by the board of directors, the board of directors shall appoint some other person, subject to the approval of the applicable governing body. The

composition and manner of the appointment for members of the board of directors set forth in this section may be modified pursuant to the certificate of incorporation or an amendment to the certificate of incorporation; provided, that the applicable governing body having a power of appointment shall approve any provision of the certificate of incorporation or amendment that eliminates its power of appointment. The associated municipality shall, at all times, have authority to approve no less than a majority of the members of the board of directors.

(c) The board of directors and the applicable governing body shall, as applicable and in accordance with this section, within ninety (90) days, fill each vacancy created by the death, resignation, or removal of any director and gain approval of the applicable governing body, and such director shall serve for the remaining unexpired term of the former director.

(d) Except as provided in subsection (g), each director shall hold office until the director's successor is appointed, approved, and qualified, and each director shall be eligible for reappointment unless otherwise provided in the certificate of incorporation.

(e) Immediately upon their qualification as a board, and at least annually thereafter, the board of directors shall select from the board's membership a chair and a vice chair. No additional compensation shall be paid to a director for serving as a chair or vice chair. The board shall have a recording secretary, who need not be a member of the board and who shall be appointed by the president, subject to the approval of the board. The recording secretary shall record all minutes of the board, keep and maintain all books and records of the board, and perform other duties as the president shall determine.

(f) The board shall hold regular monthly meetings and special meetings as may be necessary for the transaction of the business of the authority. Special meetings of the board may be called by the chair or, in the absence or disability of the chair, by any board member. No meeting of the board shall be held unless a majority of the directors are present. All acts of the board shall be by a vote of at least a majority of the directors eligible to vote on a matter. Resolutions of the board shall be effective upon adoption after one (1) reading and may be adopted at the same meeting at which the resolutions are introduced. The time and place of all meetings will be set by the board. The board of directors shall be allowed necessary traveling and other expenses while engaged in the business of the board, plus an allowance for attendance at meetings in the same manner and to the same extent as is provided for directors of municipal electric systems under § 7-52-110(e). Such expenses shall constitute a cost of operation and maintenance of the authority.

(g) Any director may be removed from office for cause upon a vote of two-thirds (2/3) of the members of the governing body of the applicable approving governing body, but only after preferment of formal charges by resolution of a majority of the members of the governing body.

7-41-111.

(a) The board shall appoint a president, as provided in § 7-41-109(a)(1), who shall be chief executive officer of the authority. The salary of the president shall be fixed by the board, and the board may enter into an employment contract with the president for a term of no more than five (5) years containing such terms as the board may deem advisable. The president may be removed by the board, subject to any provisions contained in an employment contract with the president.

(b) Within the limits of the funds available, and subject to exercise by the board of the powers reserved to it pursuant to § 7-41-109, all powers of the authority granted in this chapter shall be exercised by the president and the various officers and employees of the authority.

(c) The president shall have charge of the management and operation of the systems and the enforcement and execution of all rules, regulations, programs, plans, and decisions made or adopted by the board.

(d) The president shall appoint each system division head and all officers of the authority, and the president or the president's designee shall hire all employees of the authority. All officers and employees of the authority shall serve at the pleasure of the president, and the president shall be responsible for maintaining an adequate workforce for the authority.

(e) Subject to §§ 7-41-109 and 7-41-112, the president is authorized to acquire and dispose of all property, real and personal, necessary to effectuate this chapter. The title of such property shall be taken in the name of the authority.

(f) All contracts, agreements, indentures, trust agreements, and other instruments necessary or proper in carrying out the purposes and powers of the authority or in conducting the affairs of the authority or in operating the systems of the authority shall be executed by the president, the president's designee, or such other officer or person as may be authorized by the board, the signature thereof to be binding upon the authority. The execution by the president, the president's designee, or such other officer or person as may be authorized by the board of any such contract, agreement, indenture, trust agreement, or instrument implementing or evidencing the exercise of powers reserved to the board pursuant to § 7-41-109 shall first be approved by resolution of the board.

(g) The president shall cause to be kept full and proper books and records of all operations and affairs of the authority and shall cause to be kept separate books and accounts for each system, so that these books and accounts will reflect the financial condition of each division separately, and may require that the moneys and securities of each division be placed in separate funds to the end that each division shall be self-sustaining. All divisions shall be audited annually by an independent certified public accountant selected by the board.

7-41-112.

(a) The board shall adopt a policy governing all purchases of services or property, whether real or personal, all leases and lease-purchases, and the disposition of all property of the authority. The policy shall authorize the president, the president's designee, or such other officer or person as may be authorized by the board, to enter into contracts and agreements for the purchase of services or property, real or personal, leases and lease-purchases, disposition of property of the authority with a value not exceeding an amount from time to time established by the board but not less than fifty thousand dollars (\$50,000), and providing for board approval for such purchases, leases, lease-purchases, and dispositions in excess of such amount. Subject to the terms of the purchasing policy relating to board approval, the president, the president's designee, or such other officer or person as may be authorized by the board, on behalf of the authority, shall be authorized to execute all contracts, purchase orders, and other documents necessary in connection with the purchase of property or services and the disposition of property of the authority, including deeds of conveyance of real property. The policy authorized by this subsection (a) shall provide for competitive bidding, but may provide exceptions to any competitive bidding requirements where exceptions are provided to municipalities, municipal electric systems, municipal utilities, or energy acquisition corporations under the general law. The purchasing policy may also provide procedures for documentation of compliance with purchasing procedures and such other provisions and terms as the board deems necessary.

(b) Notwithstanding this chapter to the contrary, the authority shall not have any power to dispose of all or substantially all of the electric plant of the authority, except upon the concurrence and consent of the governing body of the associated municipality and upon approval of a majority of those voting in a referendum called by the governing body of the associated municipality in accordance with § 7-52-132. For purposes of establishing compliance with § 7-52-132, the board shall be deemed the "supervisory body," the electric plant of the authority shall be deemed an "electric plant," and such compliance shall be determined in the same manner and to the same extent as if the authority were operated as the electric system of the associated municipality.

7-41-113.

(a) The authority shall have power and is authorized to issue its bonds for the construction, acquisition, reconstruction, improvement, betterment, or extension of any system of the authority or to assume and to agree to pay any indebtedness incurred for any of the foregoing purposes. The proceeds of the sale of any bonds may be applied to:

(1) The payment of the costs of such construction, acquisition, reconstruction, improvement, betterment, or extension;

(2) The payment of the costs associated with any such construction, acquisition, reconstruction, improvement, betterment, or extension, including engineering, architectural, inspection, legal, and accounting expenses;

(3) The payment of the costs of issuance of such bonds, including underwriter's discount, financial advisory fee, preparation of the definitive bonds, preparation of all public offering and marketing materials, advertising, credit enhancement, and legal, accounting, fiscal, and other similar expenses;

(4) The payment of interest during the period of construction and for six (6) months thereafter on any money borrowed or estimated to be borrowed;

(5) Reimbursement of the authority for moneys previously spent by the authority for any of the purposes described in subdivisions (a)(1) – (4);

(6) The establishment of reasonable reserves for the payment of debt service on such bonds, or for repair and replacement to the system of the authority for whose benefit the financing is being undertaken, or for such other purposes as the board deems necessary in connection with the issuance of any bonds and operation of the system for whose benefit the financing is being undertaken;

(7) The contribution of the authority's share of the funding for any joint undertaking for the purposes set forth in this subsection (a); and

(8) The contribution by the authority to any subsidiary or separate entity controlled by the authority for the purposes set forth in this subsection (a).

(b) The authority shall have the power and is authorized to issue its bonds to refund and refinance outstanding bonds of the authority hereafter issued or lawfully assumed by the authority. The proceeds of the sale of the bonds may be applied to:

(1) The payment of the principal amount of the bonds being refunded and refinanced;

(2) The payment of the redemption premium thereon, if any;

(3) The payment of unpaid interest on the bonds being refunded, including interest in arrears, for the payment of which sufficient funds are not available, to the date of delivery or exchange of the refunding bonds;

(4) The payment of interest on the bonds being refunded and refinanced from the date of delivery of the refunding bonds to maturity or to, and including, the first or any subsequent available redemption date or dates on which the bonds being refunded may be called for redemption;

(5) The payment of the costs of issuance of the refunding bonds, including underwriter's discount, financial advisory fee, preparation of the definitive bonds, preparation of all public offering and marketing materials, advertising, credit enhancement, and legal, accounting, fiscal, and other similar expenses, and the costs of refunding the outstanding bonds, including the costs of establishing an escrow for the retirement of the outstanding bonds, trustee, and escrow agent fees in connection with any escrow, and accounting, legal, and other professional fees in connection therewith; and

(6) The establishment of reasonable reserves for the payment of debt service on the refunding bonds, or for repair and replacement to the system of the authority for whose benefit the financing is being undertaken, or for such other purposes as shall be deemed necessary in connection with the issuance of the refunding bonds and operation of the system for whose benefit the financing is being undertaken. Refunding bonds may be issued to refinance and refund more than one (1) issue of outstanding bonds, notwithstanding that such outstanding bonds may have been issued at different times. Refunding bonds may be issued jointly with other refunding bonds or other bonds of the authority. The principal proceeds from the sale of refunding bonds may be applied either to the immediate payment and retirement of the bonds being refunded or, to the extent not required for the immediate payment of the bonds being refunded, to the deposit in escrow with a bank or trust company to provide for the payment and retirement at a later date of the bonds being refunded.

(c) The authority shall have the power and is authorized to issue its bonds to retire all bonds of the associated municipality issued to finance or refinance any of the systems, and, to the extent permitted by contracts with any of the owners of the municipal bonds, to assume and agree to pay when due the municipal bonds, retire the municipal bonds, or deposit in escrow funds sufficient, together with earnings thereon, to retire the municipal bonds at maturity or upon redemption. The proceeds of such bonds may be used in the same manner and to the same extent as permitted under subsection (b).

(d) The authority shall have the power to issue notes in anticipation of the collection of revenues from the system for whose benefit the financing is undertaken for the purpose of financing electrical power purchases, including transmission costs. Any such notes shall be secured solely by a pledge of, and lien on, the revenues of the electric system. The principal amount of notes which may be issued during any twelve-month period shall not exceed sixty percent (60%) of total electrical power purchases for the same period, and all notes issued during such period shall be retired and paid in full on, or before, the end of such period. The notes shall be sold in such manner, at such price, and upon such terms and conditions as may be determined by the board. No notes shall be issued under this subsection (d) unless the electric system has positive retained earnings as shown in the most recent audited financial statements of the system, and the system has produced positive net income in at least one (1)

fiscal year out of the three (3) fiscal years next preceding the issuance of the notes as shown on the audited financial statements of the system. No notes issued under this subsection (d) shall be issued without first being approved by the comptroller of the treasury. If revenues of such system are insufficient to pay all such notes at maturity, any unpaid notes may be renewed one (1) time for a period not to exceed one (1) year or otherwise liquidated as approved by the comptroller of the treasury.

(e) The authority shall have the power and is authorized to issue its bonds to finance in whole or in part the cost of the acquisition of electrical power purchased from the Tennessee Valley authority on a current or long-term prepaid purchase basis and pledge to the punctual payment of any such bonds and interest thereon its rights in such contracts and an amount of the revenues from its electric system, or of any part of such system, sufficient to pay the bonds and interest as the same shall become due and create and maintain reasonable reserves therefor. Such amount shall consist of all or any part or portion of such revenue; and the board in determining the cost of the acquisition of electrical power under this subsection (e) may include all costs and estimated costs of the issuance of the bonds, and all engineering, inspection, fiscal, and legal expenses.

(f) Bonds issued under this section as a part of an issue the last maturity of which is not later than five (5) years following the date of issue shall be issued, and referred to, as notes.

7-41-114.

(a) No bonds shall be issued or assumed under this chapter unless authorized to be issued or assumed by resolution of the board, which resolution may be adopted at the same meeting at which it is introduced by a majority of all members then in office, and shall take effect immediately upon adoption. Bonds authorized to be issued under this chapter may be issued in one (1) or more series, may bear such date, mature at such time, not exceeding forty (40) years from their respective dates, bear interest at such rate, payable at such time, be in such denominations, be in such form, either coupon or registered, be executed in such manner, be payable in such medium of payment, at such place, and be subject to such terms of redemption, with or without premium, as such resolution may provide. Bonds may be issued for money or property at competitive or negotiated sale for such price as the board, or its designee, shall determine.

(b) Bonds may be repurchased by the authority out of any available funds at a price not to exceed the principal amount of the outstanding bonds and accrued interest, and all bonds so repurchased shall be cancelled or held as an investment of the authority as the board may determine.

(c) Pending the preparation or execution of definitive bonds, interim receipts or certificates or temporary bonds may be delivered to the purchasers of bonds.

(d)

(1) With respect to all or any portion of any issue of bonds issued under this chapter, at any time during the term of the bonds, and upon receipt of a report of the comptroller of the treasury or the comptroller's designee finding that the contracts and agreements authorized in this subsection (d) are in compliance with the guidelines or rules promulgated by the state funding board, as set forth in § 7-34-109(h), the authority, by resolution of the board, may authorize and enter into interest rate swap or exchange agreements, agreements establishing interest rate floors or ceilings or both, and other interest rate hedging agreements under such terms and conditions as the board may determine, including, without limitation, provisions permitting the authority to pay to, or receive from, any person or entity any loss of benefits under such agreement upon early termination thereof or default under such agreement.

(2) The authority may enter into an agreement to sell bonds, other than its refunding bonds, under this chapter providing for delivery of its bonds on a date greater than ninety (90) days and not greater than five (5) years, or such greater period of time if approved by the comptroller of the treasury or the comptroller's designee, from the date of execution of such agreement or to sell its refunding bonds providing for delivery thereof on a date greater than ninety (90) days from the date of execution of the agreement and not greater than the first optional redemption date on which the bonds being refunded can be optionally redeemed resulting in cost savings or at par, whichever is earlier, only upon receipt of a report of the comptroller of the treasury, or the comptroller's designee, finding that the agreement or contract of the authority to sell its bonds as authorized in this subsection (d) is in compliance with rules promulgated by the state funding board in accordance with § 7-34-109(h). Agreements to sell bonds and refunding bonds for delivery ninety (90) days or less from the date of execution of the agreement do not require a report of the comptroller of the treasury or the comptroller's designee.

(3) Prior to the adoption by the board of a resolution authorizing a contract or agreement described in subdivision (d)(1) or (2), a request shall be submitted to the comptroller of the treasury, or the comptroller's designee, for a report finding that such contract or agreement is in compliance with the guidelines or rules of the state funding board. Within fifteen (15) days of receipt of the request, the comptroller of the treasury, or the comptroller's designee, shall determine whether the contract or agreement substantially complies with the guidelines or rules and shall report such compliance to the authority. If the report of the comptroller of the treasury, or the comptroller's designee, finds that the contract or agreement complies with the guidelines or rules of the state funding board, or the comptroller of the treasury, or the comptroller's designee, fails to report within the fifteen-day period, then the authority may take such action with respect to the proposed contract or agreement as it deems advisable in accordance with this section and the guidelines or

rules of the state funding board. If the report of the comptroller of the treasury, or the comptroller's designee, finds that such contract or agreement is not in compliance with the guidelines or rules, then the authority is not authorized to enter into such contract or agreement. The rules shall provide for an appeal process upon a determination of noncompliance.

(4) When entering into any contract or agreement facilitating the issuance and sale of bonds, including contracts or agreements providing for liquidity and credit enhancement and reimbursement agreements relating thereto, interest rate swap or exchange agreements, agreements establishing interest rate floors or ceilings or both, other interest rate hedging agreements, and agreements with the purchaser of the bonds, evidencing a transaction bearing a reasonable relationship to this state and also to another state or nation, the authority may agree in the written contract or agreement that the rights and remedies of the parties thereto shall be governed by the laws of this state or the laws of such other state or nation; provided, that jurisdiction over the authority shall lie solely in the courts sitting in the county where the authority's principal office is located. Nothing in the selection of laws of another state or nation shall alter, impair, or modify the rights, privileges, and obligations of the authority as a governmental entity under this chapter and under the laws of this state.

(5) Prior to the adoption or promulgation by the state funding board of rules with respect to the contracts and agreements authorized in subdivisions (d)(1) and (2), the authority may enter into such contracts or agreements to the extent otherwise authorized by the laws of this state.

7-41-115.

(a) In order to secure the payment of the principal and interest on the bonds issued under this chapter, or in connection with such bonds, the authority has the power to secure such bonds and to covenant as to the bonds as set forth in §§ 9-21-306 and 7-34-110.

(b) In connection with the issuance of bonds and in order to secure the payment of its bonds, the authority shall have power:

(1) To pledge all or any part of its revenues;

(2) To vest in any trustee the right to enforce any covenant made to secure, to pay, or in relation to its bonds, to provide for the powers and duties of such trustee, to limit the liabilities thereof, and to provide the terms and conditions upon which the trustee or the holders of bonds or any amount or proportion of them may enforce any such covenant; and

(3) To make such covenants and to do such acts as may be necessary in order to secure its bonds or which, in the absolute discretion of the board, tend to make the bonds more marketable, notwithstanding

that such covenants and acts may restrict or interfere with the exercise of the powers granted in this chapter. The authority shall be given the power to do all things in the issuance of bonds, and for their security, that a private business corporation can do under the laws of this state.

7-41-116. In addition to all other rights and remedies, any holders of bonds of the authority, including a trustee for bondholders, shall have the right:

(1) By mandamus or other suit, action, or proceeding at law or in equity, to enforce the bondholder's rights against the authority and the board of the authority, including the right to require the authority and such board to fix and collect rates and charges adequate to carry out any agreement as to, or pledge of, the revenues produced by such rates or charges, and to require the authority and such board to carry out any other covenant and agreement with such bondholders and to perform their duties under this chapter;

(2) By action or suit in equity, to enjoin any acts which may be unlawful or a violation of the rights of such holder of bonds;

(3) By suit, action, or proceeding in the chancery court sitting in the county in which the authority's principal office is located, to obtain an appointment of a receiver of any system of the authority or any part thereof. If such receiver be appointed, such receiver may enter and take possession of such system or part thereof and operate and maintain same, and collect and receive all fees, rents, tolls, or other charges arising therefrom in the same manner as the authority itself might do and shall dispose of such money in a separate account and apply the same in accordance with the obligations of the authority as the court shall direct; and

(4) By suit, action, or proceeding in the chancery court sitting in the county in which the authority's principal office is located, to require the board of the authority to account as if it were the trustee of an express trust.

7-41-117. No owner of any bonds issued under this chapter shall have the right to compel any exercise of the taxing powers of this state, the associated municipality, or any other municipality or political subdivision of this state to pay such bonds or the interest thereon. Each bond issued under this chapter shall recite in substance that such bond, including the interest thereon, is payable solely from the revenues pledged to the payment thereof, and that the bond does not constitute a debt of this state, any municipality, or any other political subdivision of this state.

7-41-118. Bonds issued under this chapter bearing the signature of the president or other authorized officer in office on the date of the signing thereof shall be valid and binding obligations; provided, that before the delivery thereof and payment therefor, any person whose signature appears thereon shall have ceased to be an officer. The validity of any bonds shall not be dependent on, or affected by, the validity or regularity of any proceedings relating to the acquisition or improvement of the system for which such bonds are issued. The resolution authorizing bonds may provide that the bonds shall

contain a recital that the bonds are issued pursuant to this chapter, which recital shall be conclusive evidence of the bonds' validity and of the regularity of the bonds' issuance.

7-41-119.

(a) The authority shall not be operated for gain or profit or primarily as a source of revenue to the associated municipality or any other person or entity. The authority shall, however, prescribe and collect rates, fees, or charges for the services, facilities, and commodities made available by the authority, and shall revise such rates, fees, or charges whenever necessary so that each system shall remain self-supporting, and shall not require appropriations by the associated municipality or any other municipality, this state, or any political subdivision of this state to carry out the authority's purpose. Any one (1) system of the authority shall not subsidize any other system, and the authority shall keep such books and records as may be required to properly account for the reasonable distribution of joint or common expenses between the systems of the authority.

(b) The rates, fees, or charges prescribed for each system shall be such as will produce revenue at least sufficient:

(1) To provide for the payment of all expenses of operation and maintenance of such system;

(2) To pay when due principal of, and interest on, all bonds of the authority payable from the revenues of such system;

(3) To pay any payments in lieu of taxes authorized to be paid pursuant to this chapter; and

(4) To establish proper reserves for the system.

7-41-120.

(a) Any pledge of, or lien on, revenues, fees, rents, tolls, or other charges received or receivable by the authority to secure the payment of any bonds of the authority, and the interest thereon, shall be valid and binding from the time that the pledge or lien is created or granted and shall inure to the benefit of any owner of any such bonds until the payment in full of the principal thereof and premium and interest thereon. The priority of any pledge or lien with respect to competing pledges or liens shall be determined by the date such pledge or lien is created or granted. Neither the resolution nor any other instrument granting, creating, or giving notice of the pledge or lien need be filed or recorded to preserve or protect the validity or priority of such pledge or lien.

(b) If a conflict arises between this section and the Perfection, Priority and Enforcement of Public Pledges and Liens Act, compiled in title 9, chapter 22, the Perfection, Priority and Enforcement of Public Pledges and Liens Act shall control.

7-41-121. So long as the authority owns any of the systems, the property and revenue of such system shall be exempt from all state, county, and municipal taxation. Any bonds issued by the authority pursuant to this chapter, and the income therefrom, shall be exempt from all state, county, and municipal taxation, except inheritance, transfer and estate taxes, and except as otherwise provided by the laws of this state.

7-41-122. The authority is authorized to pay or cause to be paid from the revenues of each of the systems for each fiscal year payments in lieu of taxes to the associated municipality or such other municipality as shall properly receive said payments. Payments from the electric system revenues shall be made and computed in accordance with the Municipal Electric Plant Law of 1935, compiled in chapter 52, part 1 of this title, and payments made from revenues of the telecommunications system shall be made in accordance with §§ 7-52-404 and 7-52-606. The authority shall make payments in lieu of taxes to the associated municipality, accruing from and after the effective date of the transfer of the electric system from the associated municipality, from the electric system revenues on the same basis as payments are currently being made by the supervisory board. The authority shall provide the associated municipality with a copy of its annual audited financial statements at the time each such annual payment is made and shall provide access to such financial information of the authority as is necessary for the associated municipality to review the basis for and amounts of payments required pursuant to this section. To the extent not otherwise addressed in chapter 52, parts 4 and 6 of this title, in connection with the provision of telecommunications service, the authority shall be subject to all other state and local fees and charges imposed upon private providers of such services.

7-41-123. All moneys of the authority, from whatever source derived, shall be deposited in one (1) or more banks or trust companies and, to the extent required of political subdivisions of this state, such accounts shall be continuously insured by an agency of the federal government or secured by a pledge of direct obligations of the United States or of this state having an aggregate market value, exclusive of accrued interest, at all times at least equal to the balance on deposit in any such account. Such securities shall either be deposited with the authority or held by a trustee or agent satisfactory to the authority. In lieu of any pledge of such securities, the deposits may be secured by a surety bond, which shall be in form, sufficiency, and substance satisfactory to the authority.

7-41-124. All funds of the authority are authorized to be invested as follows:

- (1) Direct obligations of the United States government or any of its agencies;
- (2) Obligations guaranteed as to principal and interest by the United States government or any of its agencies;
- (3) Certificates of deposit and other evidences of deposit at state and federally chartered banks, savings and loan institutions, or savings banks deposited and collateralized as described in § 7-41-123;

(4) Repurchase agreements entered into with the United States or its agencies or with any bank, broker-dealer, or other such entity so long as the obligation of the obligated party is secured by a perfected pledge of full faith and credit obligations of the United States or its agencies;

(5) Guaranteed investment contracts or similar agreements providing for a specified rate of return over a specified time period with entities rated, at the time of investment, in one (1) of the two (2) highest rating categories of a nationally recognized rating agency;

(6) The local government investment pool created by title 9, chapter 4, part 7;

(7) Direct general obligations of a state of the United States, or a political subdivision or instrumentality thereof, having general taxing powers and rated, at the time of investment, in either of the two (2) highest rating categories by a nationally recognized rating agency of such obligations;

(8) Obligations of any state of the United States or a political subdivision or instrumentality thereof, secured solely by revenues received by, or on behalf of, the state or political subdivision or instrumentality thereof irrevocably pledged to the payment of the principal and interest on such obligations, rated, at the time of investment, in the two (2) highest rating categories by a nationally recognized rating agency of such obligations;

(9) The authority's own bonds or notes; or

(10) Any additional investments authorized to be made by a municipal electric system in this state.

7-41-125. If the authority ceases to exist, or in the event of the sale of all or substantially all of the assets of the electric system of the authority, all of its assets remaining after all of its obligations and liabilities have been satisfied or discharged shall pass to, and become the property of, the associated municipality.

7-41-126. The authority is and shall be considered a political subdivision for purposes of title 65, chapter 4.

7-41-127. The board shall be considered a governing body for purposes of the Open Meetings Act, compiled in title 8, chapter 44.

7-41-128. The authority shall be considered a governmental entity for purposes of the Tennessee Governmental Tort Liability Act, compiled in title 29, chapter 20.

7-41-129. The authority shall be considered a public agency for purposes of the Interlocal Cooperation Act, compiled in title 12, chapter 9.

7-41-130. The authority shall be considered a municipality for the purposes of the Energy Acquisition Corporations Act, compiled in chapter 39 of this title and may be an associated municipality of an energy acquisition corporation under such act, and the board shall be a governing body for purposes of such act.

7-41-131. The powers conferred by this chapter shall be in addition, and supplemental, to the powers conferred by any other law.

7-41-132.

(a) The associated municipality is authorized to transfer to an authority created pursuant to this chapter all of the associated municipality's right, title, and interest in and all the assets of the municipal electric system and the telecommunications system, if any, including all real and personal property, tangible or intangible, and any right or interest in any such property, whether or not subject to mortgages, liens, charges, or other encumbrances, and all appurtenances, contracts, leases, franchises, and other intangibles shall be transferred to the authority. The transfer shall be authorized by resolution of the governing body of the associated municipality adopted on one (1) reading and shall be accomplished through documents and instruments authorized by the resolution and executed by such officers of the associated municipality as shall be designated by the resolution. A transfer to an authority in accordance with this section (a) shall not be deemed a disposition of assets for purposes of § 7-52-132.

(b) Upon formation of an authority pursuant to this act, a franchise is granted to the authority to provide within the corporate limits of the associated municipality any and all of the electric services that it is authorized to provide under applicable law, subject to payment in lieu of taxes pursuant to § 7-41-122. Consistent with § 7-41-107(4), the associated municipality may require such franchise or franchises for the provision of telecommunications services as are permitted under state or federal law.

(c) Upon transfer of the electric system from an associated municipality to an authority and the assumption or satisfaction of all obligations of the supervisory board, the jurisdiction and control of the associated municipality and the supervisory board over such system shall be transferred to the authority, and the supervisory board shall cease to exist.

(d) It shall be a condition of the transfer of a system from the associated municipality to the authority that upon such transfer the authority shall either retire the associated municipality's bonds associated with such system by the payment thereof in full upon transfer, defease such associated municipality's bonds by depositing funds in irrevocable escrow for the payment of these bonds, or assume and agree to pay in full principal of and interest on such bonds of the associated municipality. Upon the assumption by the authority of the associated municipality bonds and its agreement to pay those bonds when due, the authority shall be fully obligated to pay when due, principal, premium, and interest with respect to those bonds with the same force and effect as if those bonds were

issued by the authority. Bonds issued pursuant to this section shall be secured by, and payable from, the revenues of the respective system in the same way as other bonds of the authority issued pursuant to this chapter. The transfer of each of the systems shall be accomplished in such a manner as not to impair the obligations of contract with reference to the associated municipality's bonds and other legal obligations of the associated municipality and to preserve and protect the contract rights vested in the owners of such bonds and other obligations.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect any other provision or application of the act which can be given effect without the invalid provisions or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Business and Utilities Committee Amendment No. 1 was adopted.

Rep. Lamberth moved the previous question, which motion prevailed.

Rep. M. Hill moved that **Senate Bill No. 2430**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 91
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sargent, Sexton C., Sexton J., Shaw, Shepard, Sparks, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 91

A motion to reconsider was tabled.

House Bill No. 1252 -- Controlled Substances - As introduced, specifies that handheld vaporizers and vape pens may be considered drug paraphernalia; clarifies that marijuana concentrates and oils are included in the definition of marijuana. - Amends TCA Title 39, Chapter 17, Part 4. by *Sparks. (*SB1189 by *Beavers)

Rep. Sparks moved that House Bill No. 1252 be passed on third and final consideration.

Rep. Lamberth moved adoption of Criminal Justice Committee Amendment No. 1 as follows:

3768

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

Amendment No. 1

AMEND House Bill No. 1252 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-402(12)(C), is amended by adding the language "marijuana concentrates, marijuana oil," immediately before the word "cocaine".

SECTION 2. Tennessee Code Annotated, Section 39-17-402(16), is amended by adding the language "including concentrates and oils," immediately after the language "or preparation of the plant,".

SECTION 3. This act shall take effect July 1, 2016, the public welfare requiring it.

On motion, Criminal Justice Committee Amendment No. 1 was adopted.

Rep. Sparks moved that **House Bill No. 1252**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 87
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Jenkins, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sargent, Sexton C., Sexton J., Shaw, Shepard, Sparks, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 87

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **House Bill No. 1252** and have this statement entered in the Journal: Rep. Butt.

REGULAR CALENDAR, CONTINUED

3769

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

House Bill No. 2426 -- Local Education Agencies - As introduced, requires all LEAs using the uniform grading system for lottery scholarship purposes, and another grading system based on quality points for other purposes, to award additional quality points for honors and other advanced courses uniformly. - Amends TCA Title 49. by *Goins. (*SB1831 by *Southerland)

On motion, House Bill No. 2426 was made to conform with **Senate Bill No. 1831**; the Senate Bill was substituted for the House Bill.

Rep. Goins moved that Senate Bill No. 1831 be passed on third and final consideration.

Rep. Akbari moved the previous question, which motion prevailed.

Rep. Goins moved that **Senate Bill No. 1831** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	87
Noes.....	1

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sargent, Sexton C., Sexton J., Shaw, Shepard, Sparks, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 87

Representatives voting no were: Pody -- 1

A motion to reconsider was tabled.

House Bill No. 2423 -- Nurses, Nursing - As introduced, changes the title of advanced practice nurses to advanced practice registered nurses and changes references to their credentials from certificates to licenses. - Amends TCA Section 24-9-101; Section 49-2-124; Section 53-10-104; Section 53-10-302; Section 53-11-309; Section 56-32-137; Section 56-7-2408; Section 63-1-109; Section 63-1-301; Section 63-1-313; Section 63-10-204; Section 63-10-217; Section 63-10-505; Section 63-10-506; Title 63, Chapter 29; Section 63-51-102; Section 63-6-244; Section 63-6-802; Title 63, Chapter 7; Section 63-9-121; Section 68-1-128; Section 68-11-224; Section 68-2-601 and Section 71-5-1414. by *Goins, *Favors. (*SB2123 by *Southerland)

On motion, House Bill No. 2423 was made to conform with **Senate Bill No. 2123**; the Senate Bill was substituted for the House Bill.

Rep. Goins moved that Senate Bill No. 2123 be passed on third and final consideration.

Rep. C. Sexton moved that Health Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Goins moved that **Senate Bill No. 2123** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sargent, Sexton C., Sexton J., Shaw, Shepard, Sparks, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 91

A motion to reconsider was tabled.

House Bill No. 526 -- Courts, Supreme Court of Tennessee - As introduced, permits the supreme court to commission as senior judge a state trial court judge who served at least one full eight-year term but was not reelected following the judge's most recent term of judicial service. - Amends TCA Title 17, Chapter 2, Part 3. by *Farmer. (*SB408 by *Overbey, *Massey)

On motion, House Bill No. 526 was made to conform with **Senate Bill No. 408**; the Senate Bill was substituted for the House Bill.

Rep. Farmer moved that Senate Bill No. 408 be passed on third and final consideration.

Rep. Carter moved adoption of Civil Justice Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 408 by deleting subdivision (b)(3) in the amendatory language of SECTION 1 and substituting instead the following:

(3) Notwithstanding subdivision (b)(2), if the election following the most recent term of judicial service for a judge in a state court of record results in the judge not being reelected, the judge is authorized to be issued a commission if the judge has been elected at least twice and served at least two (2) full eight-year terms.

On motion, Civil Justice Committee Amendment No. 1 was adopted.

Rep. Farmer moved that **Senate Bill No. 408**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 89
Noes..... 2

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sargent, Sexton C., Sexton J., Shaw, Shepard, Sparks, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 89

Representatives voting no were: Durham, Windle -- 2

A motion to reconsider was tabled.

***House Bill No. 1866** -- Alcoholic Beverages - As introduced, clarifies what items a manufacturer may use when having tastings on premises; allows manufacturers to rent a portion of their premises for events; clarifies who is permitted to handle and pour product at tastings. - Amends TCA Section 57-3-202. by *Farmer, *Lamberth. (SB2096 by *Ketron, *Yager, *Jackson, *Dickerson)

On motion, House Bill No. 1866 was made to conform with **Senate Bill No. 2096**; the Senate Bill was substituted for the House Bill.

Rep. Farmer moved that Senate Bill No. 2096 be passed on third and final consideration.

Rep. Ramsey moved that State Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Farmer moved that **Senate Bill No. 2096** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 72
Noes..... 13
Present and not voting..... 5

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Durham, Eldridge, Faison, Farmer, Favors, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Holsclaw, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Parkinson, Pitts, Powell, Ragan, Ramsey, Reedy, Rogers, Sargent, Sexton C., Shaw, Shepard,

Sparks, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., Williams, Wirgau, Womick -- 72

Representatives voting no were: Brooks H., Brooks K., Byrd, Dunlap, Dunn, Hill T., Holt, Lollar, Moody, Sexton J., White M., Windle, Zachary -- 13

Representatives present and not voting were: Butt, Lynn, Pody, Powers, Madam Speaker Harwell -- 5

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "aye" to "present and not voting" on **Senate Bill No. 2096** and have this statement entered in the Journal: Rep. Sparks.

REGULAR CALENDAR, CONTINUED

House Bill No. 1870 -- Pensions and Retirement Benefits - As introduced, authorizes all public pension and retirement plans, including those of utility districts and other local governmental entities, to recognize a qualified domestic relations order that directs the entity to allocate a portion of a member's benefits to the member's former spouse. - Amends TCA Section 26-2-105. by *Farmer. (*SB1587 by *Overbey)

On motion, House Bill No. 1870 was made to conform with **Senate Bill No. 1587**; the Senate Bill was substituted for the House Bill.

Rep. Farmer moved that Senate Bill No. 1587 be passed on third and final consideration.

Rep. Sargent moved adoption of Pensions and Insurance Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1587 by deleting SECTION 5 in its entirety and by substituting instead the following:

SECTION 5. This act shall take effect July 1, 2016, the public welfare requiring it.

On motion, Pensions and Insurance Amendment No. 1 was adopted.

Rep. Farmer moved that **Senate Bill No. 1587**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 88

Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sexton C., Sexton J., Shaw, Shepard, Sparks, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 88

A motion to reconsider was tabled.

House Bill No. 2041 -- Taxes, Hotel Motel - As introduced, authorizes the Town of Dandridge to levy a privilege tax upon the privilege of occupancy by a 2/3 vote of its governing body. - Amends TCA Title 67, Chapter 4, Part 14. by *Farmer. (*SB1604 by *Niceley)

On motion, House Bill No. 2041 was made to conform with **Senate Bill No. 1604**; the Senate Bill was substituted for the House Bill.

Rep. Farmer moved that **Senate Bill No. 1604** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 82
Noes..... 3
Present and not voting..... 1

Representatives voting aye were: Akbari, Armstrong, Beck, Brooks H., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Powell, Ragan, Ramsey, Reedy, Rogers, Sexton C., Sexton J., Shaw, Shepard, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Wirgau, Womick, Zachary -- 82

Representatives voting no were: Lynn, Pody, Windle -- 3

Representatives present and not voting were: Powers -- 1

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "present and not voting" on **Senate Bill No. 1604** and have this statement entered in the Journal: Rep. Sparks.

3774

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Pursuant to **Rule No. 31**, the following member desires to change their original stand from "aye" to "present and not voting" on **Senate Bill No. 1604** and have this statement entered in the Journal: Rep. Terry.

REGULAR CALENDAR, CONTINUED

House Bill No. 2043 -- Criminal Offenses - As introduced, removes provision whereby a person who provides prayer in lieu of medical or surgical treatment could not be charged with the crime of child abuse, neglect, or endangerment solely for that reason. - Amends TCA Section 39-15-402. by *Farmer. (*SB1761 by *Briggs)

On motion, House Bill No. 2043 was made to conform with **Senate Bill No. 1761**; the Senate Bill was substituted for the House Bill.

Rep. Farmer moved that Senate Bill No. 1761 be passed on third and final consideration.

Rep. Todd moved the previous question, which motion prevailed.

Rep. Farmer moved that **Senate Bill No. 1761** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	85
Noes	1

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sexton C., Sexton J., Shaw, Shepard, Stewart, Swann, Terry, Todd, Towns, Travis, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary -- 85

Representatives voting no were: Goins -- 1

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **Senate Bill No. 1761** and have this statement entered in the Journal: Rep. Sparks.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2374** -- Child Abuse - As introduced, authorizes electronic submission of reports and data regarding child protective teams to the senate judiciary committee and the civil justice committee of the house. - Amends TCA Title 37; Title 38; Title 39 and Title 40. by *Farmer, *DeBerry. (SB2341 by *Kyle)

Rep. Farmer moved that House Bill No. 2374 be passed on third and final consideration.

Rep. Lamberth moved adoption of Criminal Justice Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2374 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-35-501(a)(7)(A) is amended by deleting the subdivision in its entirety and substituting instead the following:

For those individuals placed on probation pursuant to subdivision (a)(3), the court is authorized to revoke probation pursuant to the revocation proceedings of § 40-35-311. If the sentencing court revokes probation, the sentencing court may cause the defendant to commence the execution of the judgment as originally entered, less any credit for time served, plus any sentence credits earned and retained by the inmate. Any defendant who has been placed on probation pursuant to subdivision (a)(3), and whose probation is subsequently revoked on the same sentence, is no longer eligible for release on probation pursuant to subdivision (a)(3). However, a defendant who is placed on probation pursuant to § 40-35-303, § 40-35-306, or § 40-35-307, and whose probation is revoked pursuant to § 40-35-311, shall not be ineligible for release on that sentence pursuant to subdivision (a)(3).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to persons sentenced before, on, or after that date.

On motion, Criminal Justice Committee Amendment No. 1 was adopted.

Rep. Farmer moved that **House Bill No. 2374**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 87
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sargent, Sexton C., Sexton J., Shaw, Shepard, Stewart, Swann, Terry, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 87

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **House Bill No. 2374** and have this statement entered in the Journal: Rep. Sparks.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2102** -- Criminal Procedure - As introduced, directs a chief of police, sheriff, or district attorney general to petition the court with criminal jurisdiction over an act for the expunction of records relating to any arrest, charge, or indictment based on mistaken identity; requires the court to order expunction of the records without cost to the person. - Amends TCA Title 40, Chapter 32. by *Hardaway. (SB2279 by *Kyle)

Rep. Hardaway moved that House Bill No. 2102 be passed on third and final consideration.

Rep. Lamberth moved adoption of Criminal Justice Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2102 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-32-101, is amended by adding the following as a new subdivision (a)(1)(C):

(i) If a person seeking expunction pursuant to subdivision (a)(1)(A) was arrested or charged due to a case of mistaken identity, the person may provide evidence of the relevant circumstances in the petition and request that the court order the expunction to be expedited. If the court finds that the person was arrested or charged due to mistaken identity, the court shall order the Tennessee

bureau of investigation and any other entity that performs expunction to expunge the records of the person in an expedited manner.

(ii) As used in this subdivision (a)(1)(C), "mistaken identity" means during the investigation of a criminal offense, a person has been arrested, charged, or indicted for a criminal act and subsequent investigation has revealed that the person arrested was not the individual the arresting officer believed the person to be.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Criminal Justice Committee Amendment No. 1 was adopted.

Rep. Casada moved that House Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Hardaway moved that **House Bill No. 2102**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	86
Noes.....	0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Jernigan, Jones, Kane, Keisling, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sargent, Sexton C., Sexton J., Shaw, Shepard, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 86

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **House Bill No. 2102** and have this statement entered in the Journal: Rep. Sparks.

PRESENT IN CHAMBER

Rep. DeBerry was recorded as being present in the Chamber.

REGULAR CALENDAR, CONTINUED

3778

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

House Bill No. 2520 -- Alcoholic Beverages - As introduced, allows Holston Hills Country Club in Knox County to serve and sell alcoholic beverages for consumption on premises. - Amends TCA Title 57, Chapter 4, Part 1. by *Armstrong, *Miller, *Stewart. (*SB1766 by *Massey)

Rep. Armstrong moved that **House Bill No. 2520** be reset for the Regular Calendar on April 18, 2016, which motion prevailed.

***House Bill No. 2571** -- Drugs, Prescription - As introduced, enacts the "Tennessee Prescription Safety Act of 2016," which revises regulation of controlled substances primarily by means of procedures involving the controlled substances database. - Amends TCA Title 53, Chapter 10; Title 63, Chapter 1; Chapter 791 of the Public Acts of 2014 and Chapter 880 of the Public Acts of 2012. by *McCormick, *Brooks K, *Hawk, *Farmer, *White M. (SB2552 by *Norris, *Yager, *Bowling, *Massey, *Stevens)

On motion, House Bill No. 2571 was made to conform with **Senate Bill No. 2552**; the Senate Bill was substituted for the House Bill.

Rep. Hawk moved that Senate Bill No. 2552 be passed on third and final consideration.

Rep. C. Sexton moved adoption of Health Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2552 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 53-10-301, is amended by deleting the section in its entirety and substituting instead the following:

This part shall be known and may be cited as the "Tennessee Prescription Safety Act of 2016".

SECTION 2. Tennessee Code Annotated, Section 53-10-302, is amended by deleting the section in its entirety and substituting instead the following:

As used in this part, unless the context requires otherwise:

(1) "Board" means the board of pharmacy created by title 63, chapter 10, part 3;

(2) "Commissioner" means the commissioner of health;

(3) "Committee" means the controlled substance database committee created by § 53-10-303;

(4) "Controlled substances" means a drug, substance, or immediate precursor in Schedules I through VI defined or listed in the Tennessee Drug Control Act of 1989, compiled in title 39, chapter 17, part 4;

(5) "Database" means the controlled substance database created by § 53-10-304;

(6) "Department" means the department of health;

(7) "Director" means the director of the controlled substance database, who shall be a Tennessee licensed pharmacist designated by the commissioner, in consultation with the executive director of the board of pharmacy and with the committee, to administer, maintain, and direct the operation and function of the controlled substance database;

(8) "Dispense" means to physically deliver a controlled substance covered by this part to any person, institution, or entity with the intent that it be consumed away from the premises on which it is dispensed. "Dispense" does not include the act of writing a prescription by a practitioner to be filled at a pharmacy licensed by the board. For purposes of this part, physical delivery includes mailing controlled substances into this state;

(9) "Healthcare practitioner," for the purposes of this part only, means:

(A) A person licensed, registered, or otherwise permitted to prescribe, distribute, or dispense a controlled substance in the course of professional practice;

(B) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, or dispense, or administer a controlled substance in the course of professional practice; or

(C) A certified registered nurse anesthetist (CRNA) as described in § 63-7-103;

(10) "Healthcare practitioner delegate" means any person authorized to practice pursuant to title 63, and up to two (2) unlicensed persons per healthcare practitioner designated by the healthcare practitioner to act as agents of the healthcare practitioner, upon registering the delegates and providing any information required by the department. A healthcare practitioner shall have the ability to authorize a healthcare practitioner delegate to check the controlled substance database as stipulated in this part. The healthcare practitioner shall be responsible for actions taken by their healthcare practitioner delegates pursuant to this part;

(11) "Law enforcement personnel" means agents of the Tennessee bureau of investigation, agents of a judicial district drug task force, drug enforcement administration agents, and certified law enforcement officers certified pursuant to § 38-8-107, and certified law enforcement officers by other states;

(12) "Manufacturer" means any person, except a pharmacist compounding in the normal course of professional practice, engaged in the commercial production, preparation, propagation, conversion, or processing of a drug, either directly or indirectly, by extraction from substances of natural origin or independently by means of chemical synthesis, or both, and includes any packaging or repackaging of a drug or the labeling or relabeling of its container and the promotion and marketing of such drugs or devices;

(13) "Operations committee" means the operations committee created by this part to consult with and confirm or deny decisions made by the commissioner within the authority granted to the commissioner by this part; and

(14) "Wholesaler" or "wholesale distributor" means a person primarily engaged in the wholesale distribution of drugs or devices; provided, that "wholesaler" or "wholesale distributor" does not include licensed third-party logistics providers. For the purposes of this part, transfers and sales of drugs or devices from one (1) licensed pharmacy to another shall not constitute wholesale distribution of drugs or devices.

SECTION 3. Tennessee Code Annotated, Section 53-10-303, is amended by deleting the section in its entirety and substituting instead the following:

(a) There is created the controlled substance database committee. The committee members shall be:

(1) One (1) of the governor-appointed licensed members of each of the following healthcare professional licensure boards or committees to be chosen by the licensing board or committee:

- (A) The board of medical examiners;
- (B) The board of osteopathic examination;
- (C) The board of dentistry;
- (D) The board of podiatric medical examiners;
- (E) The board of optometry;
- (F) The board of veterinary medical examiners;

(G) The board of nursing;

(H) The board of medical examiners' committee on physician assistants; and

(I) The board of pharmacy; and

(2) One (1) of the members of the board of pharmacy and one (1) of the members of the board of medical examiners who were appointed to those boards to represent the general public. The boards shall choose those representatives.

(b) The committee shall have a chair and vice chair, who shall be elected annually from its members.

(c) The committee shall meet at least annually and as often as deemed necessary either at the call of the chair or upon request of at least three (3) members of the committee. A quorum for purposes of official actions by the committee shall be seven (7) members.

(d) The members of the committee chosen to serve by the respective licensure boards and committees, while serving on this committee, shall be deemed to be performing official duties as members of their respective board or committee and shall be entitled to the same per diem and travel reimbursements as they would receive for performing their duties for their respective board or committee. The respective board or committee of each member shall pay such per diem and travel reimbursement.

(e) At all times, except when considering, reviewing, discussing, advising, or taking action in reference to specifically named individuals or healthcare practitioners identified from information contained in, or reported to the database, the committee shall be subject to title 8, chapter 44, part 1, regarding public meetings.

(f) The commissioner shall have the authority to promulgate rules, pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, necessary for implementation of this part. Pursuant to § 53-10-311 the commissioner may promulgate rules regarding:

(1) Establishing, maintaining, and operating the database;

(2) Access to the database and how access is obtained;

(3) Control and dissemination of data and information in the database; and

(4) The control, sharing, and dissemination of data and information in the database with other states or other entities acting on behalf of a state.

(g) The committee shall advise the commissioner with respect to any contemplated rulemaking under this part. The committee may make formal recommendations to the commissioner.

(h)

(1) The committee and the commissioner shall have the right to examine database information to identify unusual patterns of prescribing, distributing, or dispensing controlled substances that appear to be higher than normal, taking into account the particular specialty, circumstances, patient type, or location of the healthcare practitioner.

(2) If the committee or the commissioner determines that a healthcare practitioner has an unusually high pattern of prescribing, distributing, or dispensing controlled substances that is not explained by other factors, the committee or the commissioner shall refer the healthcare practitioner to the appropriate licensing board.

(3) If an investigator in service of a health-related board as licensed under title 63 or title 68 has reason to believe during any part of an investigation that a healthcare practitioner is in violation of a criminal law, the investigator is authorized to report the conduct to the appropriate law enforcement personnel.

SECTION 4. Tennessee Code Annotated, Section 53-10-304, is amended by deleting the section in its entirety and substituting instead the following:

(a) There is created within the department a controlled substance database. The director of the controlled substance database shall be responsible for determining staffing in consultation with the executive director of the board of pharmacy.

(b) The director shall administer, maintain, and direct the functioning of the database in accordance with this part. The department in consultation with the committee and board may, under state procurement laws, contract with another state agency or private entity to establish, operate, or maintain the database. Additionally, the department, in consultation with the committee and board, shall determine whether to operate the database within the department or contract with another entity to operate the database, based on an analysis of costs and benefits.

(c) The purpose of the database is to increase the quality of patient care by equipping healthcare practitioners with accurate, timely information that the practitioners can use to determine when patients acquiring controlled substances may require counseling or intervention for substance abuse, by collecting and

maintaining data as described in this part regarding all controlled substances in Schedules II, III, and IV dispensed in this state, and Schedule V controlled substances identified by the controlled substance database committee as demonstrating a potential for abuse. Further, the database is to be used to assist in research, statistical analysis, criminal investigations, enforcement of standards of health professional practice, and state or federal laws involving controlled substances.

(d) The data required by this part shall be submitted in compliance with this part to the database by any healthcare practitioner who dispenses a controlled substance contained in Schedules II, III, and IV, and Schedule V controlled substances identified by the committee as demonstrating a potential for abuse, or by any healthcare practitioner delegate who is designated to submit data on a healthcare practitioner's behalf. The reporting requirement shall not apply for the following:

(1) A drug administered directly to a patient;

(2) Complimentary packages of medicinal drugs that are labeled as a drug sample or complimentary drug dispersed to the practitioner's own patients adequate to treat the patient for a maximum of forty-eight (48) hours in the regular course of practice without the payment of a fee or remuneration of any kind;

(3) A sample of a schedule IV or schedule V controlled substance in a quantity limited to an amount that is adequate to treat a patient for a maximum of seventy-two (72) hours or a sample of a non-narcotic schedule V controlled substance in a quantity limited to an amount that is adequate to treat a patient for a maximum of fourteen (14) days, provided without charge by a medical doctor, osteopathic physician, advanced practice nurse with certificates of fitness to prescribe, or physician assistant working at a pain management clinic from providing to that practitioner's patient;

(4) Any drug dispensed by a licensed veterinarian; provided, that the quantity dispensed is limited to an amount adequate to treat the nonhuman patient for a maximum of five (5) days;

(5) Any entity that is registered by the United States drug enforcement administration (DEA) as a narcotic treatment program and is subject to the recordkeeping provisions of 21 CFR 1304.24; or

(6) Any drug dispensed or distributed by a facility; provided, that the quantity dispensed or distributed is limited to an amount that is adequate to treat the patient for a maximum of forty-eight (48) hours.

SECTION 5. Tennessee Code Annotated, Section 53-10-305, is amended by deleting the section in its entirety and substituting instead the following:

(a) All healthcare practitioners who prescribe or dispense controlled substances in practice providing direct care to patients in this state by prescribing or dispensing on more than fifteen (15) days in a calendar year total and are required to have a federal drug enforcement administration (DEA) registration pursuant to federal law shall be registered in the controlled substance database. Healthcare practitioners or their agents shall have up to thirty (30) calendar days after receiving a DEA number to register in the database; such privilege shall apply equally to both prescribers and dispensers. Licensed veterinarians who never prescribe or dispense controlled substances in an amount intended to treat a nonhuman patient for more than five (5) days shall not be required to register in the database.

(b)

(1) Each healthcare practitioner or healthcare practitioner's agent shall, regarding each controlled substance dispensed, submit to the database all of the following information:

- (A) Prescriber identifier;
- (B) Dispensing date of controlled substance;
- (C) Patient identifier;
- (D) Controlled substance dispensed identifier;
- (E) Quantity of controlled substance dispensed;
- (F) Strength of controlled substance dispensed;
- (G) Estimated days' supply;
- (H) Dispenser identifier;
- (I) Date the prescription was issued by the prescriber;
- (J) Whether the prescription was new or a refill;
- (K) Source of payment; and
- (L) Other relevant information as required by rule.

(2) The information in the database, as required by subdivision (b)(1), shall be submitted by a procedure and in a format established by the committee, for each business day but no later than the close of business on the following business day; provided, that a veterinarian shall submit information at least once every fourteen (14) days and shall not be

required to use a computerized system in order to submit required information pursuant to this section.

(c) The commissioner, pursuant to § 53-10-311, shall have the authority to change the length of time in which healthcare practitioners are required to submit information to the database through the promulgation of rules pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. When the committee shortens the length of time in which healthcare practitioners are required to submit information to the database, the department shall provide notice to all healthcare practitioners who are registered in the database at least sixty (60) days prior to the date in which the rule goes into effect. If the committee, pursuant to § 53-10-311, shortens the length of time in which healthcare practitioners must submit information to the database, a healthcare practitioner may provide to the committee a written statement indicating why it creates a hardship for that healthcare practitioner to submit information within that time period, and the committee may grant an extension of up to seven (7) days within which that healthcare practitioner shall submit the information to the database. Such a hardship extension shall be valid for two (2) years and may be renewed by the committee upon request of the healthcare practitioner.

(d) Any healthcare practitioner, except veterinarian healthcare practitioners, that uses a computerized system to record information concerning the dispensing of controlled substances, shall submit the required information to the database utilizing nationally recognized pharmacy telecommunications format standards.

(e) The commissioner, pursuant to § 53-10-311, shall maintain the database in an electronic file or by other means established by the commissioner in such a manner so as not to infringe on the legal use of controlled substances, and in such a manner as to facilitate use of the database for identification of:

(1) Prescribing and dispensing practices and patterns of prescribing and dispensing controlled substances; and

(2) Individuals, facilities, or entities that receive prescriptions for controlled substances from healthcare practitioners, and who subsequently obtain dispensed controlled substances from a healthcare practitioner in quantities or with a frequency inconsistent with generally recognized standards of dosage for that controlled substance, or by means of forged or otherwise false or altered prescriptions.

(f) The committee or the commissioner or a designee appointed by the committee or commissioner may review information in the database. If the committee or commissioner or their designee determines from review that a healthcare practitioner has committed a violation of the law, the committee or commissioner shall notify the entity responsible for licensure, regulation, or discipline of that healthcare practitioner and shall supply information required by the entity for an investigation of the violation of the law that may have occurred.

(g)

(1)

(A) The commissioner, pursuant to § 53-10-311, shall by rule establish the electronic format in which the information required under this section shall be submitted to the database, and the committee shall allow for waiver of electronic reporting for individual healthcare practitioners for whom it would cause undue hardship as determined by the committee. The waiver may be valid for two (2) years from ratification by the committee.

(B) The committee may authorize a designee to initially approve a waiver subject to ratification by the committee.

(2) The commissioner shall ensure the database system records and maintains for reference for a period of at least one (1) year:

(A) The identification of each person who requests or receives information from the database;

(B) The information provided to each person; and

(C) The date and time the information is requested or provided.

(h) The commissioner, in consultation with the committee, shall make rules to:

(1) Effectively enforce the limitations on access to the database as described in this part; and

(2) Establish standards and procedures to ensure accurate identification of individuals requesting information or receiving information from the database without a request.

SECTION 6. Tennessee Code Annotated, Section 53-10-306, is amended by deleting the section in its entirety and substituting instead the following:

(a) Information sent to, contained in, and reported from the database in any format is confidential and not subject to title 10, chapter 7, regarding public records, and not subject to subpoena from any court and shall be made available only as provided for in § 53-10-308 and to the following persons in accordance with the limitations stated and rules promulgated pursuant to this part, or as otherwise provided for in § 53-10-311:

(1) Personnel of the committee specifically assigned to conduct analysis or research;

(2) Authorized committee, board, or department personnel or any designee appointed by the committee engaged in analysis of controlled substances prescription information as a part of their assigned duties and responsibilities;

(3) A healthcare practitioner conducting medication history reviews who is involved in the care of a patient or making decisions regarding patient care or patient enrollment; a healthcare practitioner or supervising physician of a healthcare practitioner conducting a review of all medications dispensed by prescription attributed to that healthcare practitioner or a healthcare practitioner having authority to prescribe or dispense controlled substances, to the extent the information relates specifically to a current or bona fide prospective patient of the healthcare practitioner, to whom the healthcare practitioner has prescribed or dispensed, is prescribing, dispensing, approving of the prescribing or dispensing, or considering prescribing or dispensing any controlled substance. Each authorized individual referenced under this subdivision (a)(3) shall have a separate identifiable authentication for access;

(4) A licensed pharmacist conducting drug utilization or medication history reviews who is actively involved in the care of the patient or making decisions regarding care of the patient or patient enrollment. Each authorized individual referenced under this subdivision (a)(4) shall have a separate identifiable authentication for access;

(5) The state chief medical examiner, or deputy state chief medical examiner appointed pursuant to § 38-7-103, or a county medical examiner appointed pursuant to § 38-7-104 when acting in an official capacity as established in § 38-7-109; provided, any access to information from the database shall be subject to the confidentiality provisions of this part except where information obtained from the database is appropriately included in any official report of the county medical examiners, toxicological reports, or autopsy reports issued by the county medical examiner, state chief medical examiner, or deputy state chief medical examiner under § 38-7-110(c);

(6) Personnel of the following entities actively engaged in analysis of controlled substances prescription information as a part of their assigned duties and responsibilities related directly to the TennCare program:

(A) The office of inspector general;

(B) The medicaid fraud control unit; and

(C) The bureau of TennCare's chief medical officer, associate chief medical directors, director of quality oversight, and directors of pharmacy;

(7) Personnel of the bureau of TennCare who request aggregate controlled substances prescribing information from the database which does not contain personally identifiable data but only on request by the following personnel of the bureau:

- (A) The chief medical officer;
- (B) Associate chief medical directors;
- (C) Director of quality oversight; and
- (D) Directors of pharmacy;

(8) A quality improvement committee, as defined in § 68-11-272, of a hospital licensed under title 68 or title 33, as part of the committee's confidential and privileged activities under § 68-11-272(b)(4) with respect to the evaluation, supervision, or discipline of a healthcare provider employed by the hospital or any of its affiliates or subsidiaries, who is known or suspected by the hospital's administrator to be prescribing controlled substances for the healthcare practitioner's personal use;

(9)

(A) Law enforcement personnel; provided, that such personnel are engaged in the official investigation and enforcement of state or federal laws involving controlled substances or violations under this part; and that any law enforcement personnel receiving information from the database pursuant to this section shall comply with this subsection (a);

(B) Any law enforcement personnel; provided, that for an officer or agent to have the authorization to request information from the database, the officer or agent shall first be preapproved. Preapproval shall require:

(i) Agents of a judicial drug task force employed by the United States department of justice, law enforcement officers certified pursuant to § 38-8-107, and law enforcement officers certified by other states to require:

(a) The list of preapproved agents to be sent to the district attorney general in the judicial district in the district in which the task force has jurisdiction; and

(b) By December 1 of each year, each district attorney general shall send to the director a list of applicants authorized to request information

from the database from that general's judicial district; or

(ii) Tennessee bureau of investigation (TBI) agents or drug enforcement administration agents to require:

(a) Preapproval by the assistant special agent in charge or the agent's immediate supervisor and division head. Approved applicants shall be sent to the board by the director; and

(b) By December 1 of each year, the TBI director or the assistant special agent in charge shall send to the director of the controlled substance database, committee, or commissioner a list of applicants authorized to request information from the database;

(C) An application submitted by law enforcement personnel shall include, but not be limited to, the:

(i) Applicant's name; title; agency; agency address; agency contact number; agency supervisor; and badge number, identification number, or commission number; and the business e-mail address of each applicant officer or agent, the appropriate district attorney general, DEA agent, and, if a TBI agent, the TBI director and their business e-mail addresses; and

(ii) Signatures of the applicant, the applicant's approving supervisor, and the district attorney general of the judicial district, assistant special agent in charge in which the applicant has jurisdiction, or the approving division head and the TBI director; and

(D) It shall be a duty of the committee or commissioner, through the director, as part of the duties to maintain the database pursuant to § 53-10-305(e), to receive and verify the lists of authorized applications sent to it by the district attorneys general, assistant special agent in charge, and the director of the TBI pursuant to this subsection (a);

(10) The judge of a drug court treatment program, created under the Drug Court Treatment Act of 2003, compiled in title 16, chapter 22, and pursuant to this part to the extent the information relates specifically to a current participant in the drug court treatment program. Any judge or personnel of a drug court treatment program receiving information from the database pursuant to this subdivision (a)(10) shall comply with this subsection (a) and the following:

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(A) Any judge of a participating drug court requesting information from the database shall submit an application to the director pursuant to subdivision (a)(10)(B) that must include acknowledgment by the district attorney general of the judge's judicial district that the judge is seeking information from the database on a current participant in the drug court treatment program;

(B) An application submitted by the judge of a drug court treatment program shall include:

(i) The applicant's name, title, agency, agency address, and business e-mail address;

(ii) The signatures of the judge and the district attorney general of the judicial district in which the judge has jurisdiction; and

(iii) The names of any current participants in the drug court treatment program that the judge has a reasonable belief may not be in compliance with the guidelines or rules of participation in the drug court treatment program as they pertain solely to the participant's unauthorized use or misuse of controlled substances. Such information shall not be considered a public record as defined by § 10-7-503; and

(C) The commissioner, through the director, shall, as part of the duty to maintain the database pursuant to this part, receive the authorized application sent by the judge of the participating drug court treatment program pursuant to this subsection (a); and

(11) A healthcare practitioner delegate, who is acting under the direction and supervision of a healthcare practitioner as an agent of a healthcare practitioner. Each authorized individual shall have a separate identifiable authentication for access.

(b) When requesting information from the database, law enforcement personnel shall provide a case number as part of the process for requesting information from the database. The case number entered shall correspond with an official investigation involving controlled substances and information requested should directly relate to the investigation.

(c) The commissioner, in consultation with the committee, may, by rule, establish a fee for providing information to a law enforcement agency, judicial district drug task force, TBI, or a judge of a drug court treatment program pursuant to this section. In determining the fee and type of fee to be charged, the commissioner may consider options such as an annual fee or a per use,

incremental cost basis fee, or other methods as the commissioner deems appropriate.

(d) Law enforcement personnel, who are authorized to request information from the database, shall resubmit their identifying application information that was submitted pursuant to this section to the appropriate district attorney, United States attorney, TBI director, or assistant special agent in charge by November 20 of each year. Such resubmitted applications shall be sent by the appropriate district attorney general, TBI director, or assistant special agent in charge to the board by December 1 of each year. If during the calendar year a name is added to the list, removed from the list, or information about a person on the list changes, the appropriate district attorney, or special agent in charge, shall immediately notify the director of the controlled substance database, committee, or commissioner of any changes to the list submitted or in the information submitted for each attorney, officer, or agent on the list application.

(e)

(1) Information obtained by law enforcement personnel from the database may be shared with other law enforcement personnel or prosecutorial officials only upon the direction of the officer or agent who originally requested the information and may only be shared with law enforcement personnel from other law enforcement agencies who are directly participating in an official joint investigation.

(2) Any information obtained from the database that is sent to law enforcement personnel shall also be sent to the district attorney general of the judicial district to the district in which such officer or agent has jurisdiction. Likewise, any database information sent to a TBI agent or DEA agent shall also be sent to the TBI director or the assistant special agent in charge.

(3)

(A) Information obtained from the database by the judge of a drug court treatment program may be shared with personnel of a drug court treatment program.

(B) For the purposes of this subdivision (e)(3), "personnel of a drug court treatment program" includes a judge of a drug court and any person employed by the drug court and designated by the judge to require access to the information in order to efficiently administer the drug court treatment program.

(4) Any information obtained from the database that is sent to a judge of a drug court treatment program shall also be sent to the district attorney general of the judicial district in which the judge has jurisdiction.

(f)

(1) To ensure the privacy and confidentiality of patient records, information obtained from the database by law enforcement personnel shall be retained by the law enforcement personnel's respective department or agency. The information obtained from the database shall not be made a public record. Any information used in a criminal or administrative action from the controlled substance monitoring database shall be placed under seal or have patient names and all other personally identifying information of patients redacted. Information obtained from the database shall be maintained as evidence in accordance with each law enforcement agency's respective procedures relating to the maintenance of evidence.

(2) To ensure the privacy and confidentiality of patient records, information obtained from the database by a drug court treatment program shall be retained by the program director of the drug court treatment program. The information obtained from the database shall not be made a public record, notwithstanding the use of the information in court for prosecution purposes.

(g) Any information disseminated pursuant to subdivisions (a)(1)-(7) shall be released to the individual or entity requesting the information by the database manager or by password-protected Internet access.

(h) Any healthcare practitioner or healthcare practitioner delegate receiving patient-specific information pursuant to subdivision (a)(1), (a)(2), (a)(3), or (a)(4) shall not disclose the information to any person other than:

(1) The patient to whom the information relates;

(2) Other healthcare practitioners who are involved or have a bona fide prospective involvement in the treatment of the patient, or healthcare practitioners identified by the information for the purpose of verifying the accuracy of the information;

(3) Any law enforcement personnel to whom reporting of controlled substances being obtained in a manner prohibited by § 53-11-401, or § 53-11-402(a)(3) or (a)(6), is required by § 53-11-309, or any agent of the healthcare practitioner who is directed by the healthcare practitioner to cause a report to law enforcement to be made in accordance with § 53-11-309(a) and (d); or

(4) A healthcare practitioner or healthcare practitioner delegate who may place a copy of a patient's report obtained from the database pursuant to this section in that patient's medical records. Once placed in a patient's medical records, any copy of a patient's report obtained from the database pursuant to this section shall be subject to disclosure on the

same terms and conditions as medical records under §§ 63-2-101 and 63-1-117.

(i) If law enforcement personnel or a judge of a drug court treatment program has probable cause to believe, based upon information received from a database request, that a healthcare practitioner may be acting or may have acted in violation of the law, the officer, agent, or judge shall consult with the appropriate licensing board as established under title 63 or title 68.

(j)

(1)

(A) At least every six (6) months, the committee or commissioner or their designee shall send a list to each district attorney general containing all requests made for database information during the previous six (6) months.

(B) The list shall include:

(i) The name of the requesting attorney, officer, or agent;

(ii) The attorney, officer, or agent's agency;

(iii) The date of the request; and

(iv) The nature of the request, including the case number for each attorney, officer, or agent making a request in such district attorney's judicial district.

(C) Likewise, a list shall be sent to the director of the TBI for all TBI agents or the assistant special agent in charge for all DEA agents making requests during the previous six (6) months.

(2) Each district attorney general, or assistant special agent in charge and the TBI director shall use the list to perform an audit to determine if the database information requests made during the preceding six-month period correspond to specific cases under investigation in the applicable judicial district or by the bureau and if the information requested is relevant and pertinent to an investigation.

(3) Each district attorney general, assistant special agent in charge, and the TBI director shall verify all database information requests contained on the list received and send it back to the board within sixty (60) days of receipt. If a database information request does not correspond to an investigation in the applicable jurisdiction or if the information requested was not relevant or pertinent to the information

requested, the district attorney general, assistant special agent in charge, or TBI director shall so note on the verified list and shall investigate the discrepancy and make a report back to the director of the controlled substance database within a reasonable period of time.

(4) The results of the audit conducted pursuant to subdivision (j)(2) shall be discoverable by a healthcare practitioner or healthcare practitioner delegate charged with violating any state or federal law involving controlled substances or under a notice of charges proffered by an appropriate licensing board for a violation of any law involving controlled substances, but only the results pertaining to that healthcare practitioner or healthcare practitioner delegate are discoverable. If, however, there is an active criminal investigation involving a healthcare practitioner or healthcare practitioner delegate or the healthcare practitioner or healthcare practitioner delegate is under investigation by any investigations or prosecution unit of the appropriate licensure board, the results of the audit conducted pursuant to subdivision (j)(2) shall not be discoverable by the healthcare practitioner or the healthcare practitioner delegate during either such period.

(k)

(1) Any person who obtains or attempts to obtain information from the database by misrepresentation or fraud is guilty of a Class A misdemeanor.

(2) Any person who knowingly uses, releases, publishes, or otherwise makes available to any other person or entity any information submitted to, contained in, or obtained from the database for any purpose other than those specified in this part is guilty of a Class A misdemeanor.

(3) Intentional unauthorized use or disclosure of database information by law enforcement personnel is a Class A misdemeanor.

(4) Any law enforcement personnel whom the department has reason to suspect of violation of this section or who has been charged with a violation of this section shall have such person's authorization to request information from the database suspended. Any law enforcement personnel, found guilty of a violation of this subsection (k) shall have such person's authorization to request information from the database permanently revoked.

(5) Where an individual authorized under subsection (a) acts in good faith in accessing or using information from the database in accordance with the limitations under this part, that person shall not incur any civil or criminal liability as a result of that use or access.

(l)

(1) The following personnel of the department of mental health and substance abuse services actively engaged in analysis of controlled substances prescription information as a part of their assigned duties and responsibilities shall have access to the database for controlled substances prescription information for specific patients or healthcare practitioners:

(A) The chief pharmacist;

(B) The state opioid treatment authority (SOTA) or SOTA designee; and

(C) The medical director.

(2) Aggregate controlled substances prescribing information from the database which does not contain personally identifiable data may be provided upon request by the following personnel of the department of mental health and substance abuse services, who are actively engaged in analysis of controlled substances prescription information as provided in this subsection (1), and may be provided upon request to other personnel of the department of mental health and substance abuse services and other state government agencies as needed to fulfill assigned duties and responsibilities:

(A) The chief pharmacist;

(B) The SOTA; or

(C) The medical director.

(m) Where an investigation is conducted under § 38-7-109, and information within the database is obtained pursuant to the requirements of this part, there exists a rebuttable presumption that the county medical examiner is acting in good faith.

(n) Authorized committee, board, or department personnel and any designee appointed by the committee engaged in analysis of controlled substances prescription information as a part of the assigned duties and responsibilities of their employment may publish, or otherwise make available to healthcare practitioners and to the general public, aggregate unidentifiable personal data contained in or derived from the database for the purpose of educational outreach.

(o) Prohibited access to, an inappropriate request for, or illegal disclosure of information from the database by a judge of a drug court treatment program shall be considered a violation of the canons of the code of judicial conduct, including Rules 1.2, 1.3, and 3.5.

SECTION 7. Tennessee Code Annotated, Section 53-10-307, is amended by deleting the section in its entirety and substituting instead the following:

(a) The failure of a healthcare practitioner to submit information to the database required under this part after the committee or the commissioner has submitted a specific written request for the information, or when the committee or the commissioner determines the individual has a demonstrable pattern of failing to submit the information as required, is grounds for the denial of licensure, renewal of licensure, or other disciplinary action against the healthcare practitioner before the licensing board with jurisdiction over the healthcare practitioner and for the committee to take the following actions:

(1) Recommend to the appropriate licensure board that it should refuse to issue a license to the individual;

(2) Recommend to the appropriate licensure board that it should refuse to renew the individual's license; and

(3) Recommend to the appropriate licensure board that it should commence disciplinary action against the licensee seeking revocation, suspension, or other appropriate discipline, including civil penalties.

(b) An individual or entity that has submitted information to the database in accordance with this part and in good faith shall not be subject to a suit for civil damages nor held civilly liable for having submitted the information.

(c) An individual or entity that in good faith disseminates information contained in, or derived from, the database to the individuals authorized by this part to receive it in the manner authorized by this part or rules promulgated pursuant to this part, shall not be subject to a suit for civil damages nor held individually liable for having done so.

(d) Submitting information as required by this part shall not subject the person submitting the information to licensure disciplinary action or any action for breach of confidentiality, ethical duty to a patient, or the sharing of any professional secret.

(e)

(1) Failure to submit the required information by any healthcare practitioner shall not be considered a violation if a good faith effort was made and the failure of the report to be transmitted was due to technical difficulties or the inability to have the report received by the database.

(2) Technical difficulties shall include the failure of the database to receive the transmission of any report, the failure of any healthcare practitioner's system or switch used in the transmission of a report, electrical problems, natural disasters, fires, flooding, or other unforeseen

circumstances as defined in rules by the commissioner pursuant to § 53-10-311.

SECTION 8. Tennessee Code Annotated, Section 53-10-308, is amended by deleting the section in its entirety and substituting instead the following:

(a) Notwithstanding this part to the contrary, the committee or the commissioner:

(1) May release confidential information from the database regarding healthcare practitioners, healthcare practitioner delegates, or patients to department personnel engaged in an investigation, adjudication, or prosecution of a violation under any state or federal law that involves a controlled substance;

(2) May release confidential information from the database regarding healthcare practitioners, healthcare practitioner delegates, or patients to law enforcement personnel engaged in an investigation, adjudication, or prosecution of a violation under any state or federal law that involves a controlled substance, pursuant to the procedure established in § 53-10-306(a)(8); and

(3) Shall release information from the database when ordered by a court to do so upon the court's finding that disclosure is necessary for the conduct of proceedings before the court regarding the investigation, adjudication, or prosecution of a violation under any state or federal law that involves controlled substances and after an appropriate protective order is issued regarding the information to be released to the court.

(b) Any data authorized to be released under this section or § 53-10-306, other than aggregate data or data released to personnel of the department or a health-related board is limited to reports of drugs prescribed to specific patients or prescribed by specific providers, and nothing in this part creates a right to other data such as provider query audits or registration information, nor does anything in this part require the committee or department to provide analytics or analysis of any data available in the database.

SECTION 9. Tennessee Code Annotated, Section 53-10-309, is amended by deleting the section in its entirety and substituting instead the following:

The commissioner or commissioner's designee shall report annually on the outcome of the program with respect to its effect on distribution and abuse of controlled substances, including recommendations for improving control and prevention of diversion of controlled substances in this state. The committee, its designee, or the commissioner shall also file an annual report with the health and welfare committee of the senate and the health committee of the house of representatives by March 1, 2017, and each March 1 thereafter, to include analysis about tracking the individuals or entities that access the database and the security measures taken to ensure that only authorized persons or entities

access the database. In addition to the annual report submitted to the general assembly by the commissioner, authorized committee, board, or department personnel engaged in analysis of controlled substance prescription information as a part of the assigned duties and responsibilities of their employment shall release information from the database requested by a member of the general assembly that is related to research, statistical analysis, or education of healthcare practitioners relative to controlled substances. However, no report released pursuant to this section shall contain the name or other identifying information of a specific healthcare practitioner or specific healthcare practitioner delegate contained in the report. All information released from the database for such a report shall be in the aggregate.

SECTION 10. Tennessee Code Annotated, Section 53-10-310, is amended by deleting the section in its entirety and substituting instead the following:

(a) Each person or entity operating a practice site where a controlled substance is prescribed or dispensed to a human patient shall provide for electronic access to the database at all times when a healthcare practitioner provides healthcare services to a human patient potentially receiving a controlled substance.

(b) This section shall not apply to any person or entity or that is not required to report pursuant to § 53-10-304(d) or § 53-10-305(g).

(c) A violation of subsection (a) is punishable by a civil penalty not to exceed one hundred dollars (\$100) per day assessed against the person or entity operating the practice site; provided, however, that the penalty shall only be imposed when there is a continued pattern or practice of not providing electronic access to the database.

(d) Any healthcare practitioner, individual, or entity who is authorized to access the database by this part shall not be subject to a suit for civil damages or held civilly liable for the failure to register in, report to, or check the database, or for actions taken after reasonable reliance on information in the database, or for accessing the database to determine whether or not the healthcare practitioner's professional credentials are being inappropriately used, or for reporting the same to the appropriate authorities, except as otherwise provided in this part.

(e)

(1) When prescribing a controlled substance, all healthcare practitioners, unless otherwise exempted under this part, shall check the controlled substance database prior to prescribing one (1) of the controlled substances identified in subdivision (e)(4) to a human patient at the beginning of a new episode of treatment and shall check the controlled substance database for that human patient at least annually when that prescribed controlled substance remains part of the treatment. An authorized healthcare practitioner's delegate may check the controlled substance database on behalf of the healthcare practitioner. A new

episode of treatment means a prescription for a controlled substance that has not been prescribed by that healthcare practitioner within the previous twelve (12) months.

(2) When dispensing a controlled substance, all healthcare practitioners, unless otherwise exempted under this part, shall check the controlled substance database prior to dispensing one (1) of the controlled substances identified in subdivision (e)(4) to a human patient the first time that patient is dispensed a controlled substance at that practice site. The dispenser shall check the controlled substance database again at least once every twelve (12) months for that human patient after the initial dispensing. The initial dispensing check fulfills the first annual check. An authorized healthcare practitioner's delegate may check the controlled substance database on behalf of the healthcare practitioner.

(3) Before prescribing or dispensing, a healthcare practitioner shall have the professional responsibility to check the database or have a healthcare practitioner delegate check the database if the healthcare practitioner is aware or reasonably certain that a person is attempting to obtain a Schedule II-V controlled substance, identified by the committee or commissioner as demonstrating a potential for abuse for fraudulent, illegal, or medically inappropriate purposes, in violation of § 53-11-402.

(4) The controlled substances that trigger a check of the controlled substance database pursuant to subdivisions (e)(1) and (2) include, but are not limited to, all opioids and benzodiazepines. By rule, the commissioner, pursuant to § 53-10-311, may require a check of the database for additional Schedule II-V controlled substances that are identified by the committee or commissioner as demonstrating a potential for abuse.

(5) The commissioner, pursuant to § 53-10-311, shall adopt rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, that establish standards and procedures to be followed by a healthcare practitioner regarding the review of patient information available through the database.

(6) Healthcare practitioners are not required to check the controlled substance database before prescribing or dispensing one (1) of the controlled substances identified in subdivision (e)(4) or added to that list by the committee or commissioner if one (1) or more of the following conditions are met:

(A) The controlled substance is prescribed or dispensed for a patient who is currently receiving hospice care;

(B) The committee has determined that healthcare practitioners in a particular medical specialty shall not be required

to check the database as a result of the low potential for abuse by patients receiving treatment in that medical specialty;

(C) The quantity of the controlled substance which is prescribed or dispensed does not exceed an amount which is adequate for a single, seven-day treatment period and does not allow a refill; or

(D) The controlled substance is prescribed for administration directly to a patient during the course of inpatient or residential treatment in a hospital or nursing home licensed under title 68.

(f) Each appropriate licensure board may promulgate rules pursuant to the Uniform Administrative Procedures Act, to establish procedures, notice requirements, and penalties for healthcare practitioners who fail to register in, report to, or check the controlled substance database as required.

(g) Notwithstanding this part to the contrary, a healthcare practitioner or healthcare practitioner delegate shall not be in violation of this part during any time period in which the controlled substance database is suspended or not operational or the Internet is not operational or available as defined by rules promulgated by the commissioner.

SECTION 11. Tennessee Code Annotated, Section 53-10-311, is amended by deleting the section in its entirety and substituting instead the following:

(a) There is created an operations committee. The committee shall be composed of:

(1) The board of medical examiners' medical director for special projects;

(2) An epidemiologist employed by the department of health;

(3) The executive director of the board of pharmacy;

(4) The director of the controlled substance database;

(5) A member of the controlled substance database committee;

(6) The executive director of the board of nursing as an ex officio non-voting member; and

(7) The executive director of the board of medical examiners as an ex officio non-voting member.

(b)

(1) The commissioner shall have the duty to convene the operations committee at least annually and request approval by that committee of actions taken under the authority granted by this part prior to those actions becoming final. The operations committee shall meet at such other times as needed and as convened by the commissioner to confirm or deny decisions made by the commissioner pursuant to the authority granted to the commissioner by this part.

(2) The operations committee's approval shall be necessary for all rules, agreements, and policies concerning:

(A) Access to the database and how that access is obtained;

(B) Dissemination of data and information in the database and control over that data; and

(C) The control, sharing, and dissemination of data and information in the database with other states or other entities acting on behalf of a state.

(3) The operations committee's approval shall not be necessary for any rules, agreements, or policies that concern the daily operations decisions, which may be delegated to the director of the database, concerning establishing, maintaining, or operating the database. The operations committee shall not set fees.

(4) The operations committee may make formal recommendations to the commissioner with respect to any contemplated rulemaking under this part, which does not require its approval.

(c) Three (3) voting members of the operations committee shall constitute a quorum for official actions. A majority of those voting members present shall be necessary to approve an action proposed by the commissioner.

(d) The operations committee shall not be subject to the provisions of title 8, chapter 44, part 1, regarding public meetings.

(e)

(1) Notwithstanding this part to the contrary, the commissioner is authorized to enter into agreements with the federal centers for disease control and prevention (CDC), other states, or other entities acting on behalf of a state for the purposes of sharing and dissemination of data and information in the database.

(2) Any information disseminated pursuant to this subsection (e) shall be for:

(A) Analysis of controlled substance prescriptions for public health research by other state or federal entities charged with protecting the public health; or

(B) Interstate data sharing; provided, the sharing shall only be consistent with the requirements of § 53-10-306.

(3) The commissioner shall have any agreements that the commissioner enters into with the CDC, other states, or other entities acting on behalf of a state or federal government, approved by the operations committee prior to that agreement becoming final.

(4) All agreements entered into by the commissioner subject to this subsection (e) shall be governed by a contract entered into between the two (2) parties.

SECTION 12. Tennessee Code Annotated, Section 53-10-312, is amended by deleting the section in its entirety and substituting instead the following:

(a) Wholesalers and manufacturers, as defined in § 63-10-204, that sell controlled substances at wholesale must at least report the following information to the committee in Automation of Reports and Consolidated Orders System (ARCOS) format or other mutually acceptable format:

(1) Wholesaler or manufacturer with a drug enforcement administration registration number; provided, that if this number is not applicable, then another mutually acceptable identifier;

(2) Purchaser's drug enforcement administration registration number; provided, that if this number is not applicable, then another mutually acceptable identifier;

(3) National drug code number of the actual drug sold;

(4) Quantity of the drug sold;

(5) Date of sale; and

(6) Transaction identifier or invoice number.

(b) The board may establish such rules as are necessary to specify which medications shall be reported, the time frames for such reporting, and other reporting requirements as required.

(c) A wholesaler shall design and operate a system to disclose to the wholesaler suspicious orders of controlled substances. A wholesaler shall inform the board of pharmacy and the boards whose licensees have prescribing authority of suspicious orders when discovered. Suspicious orders include

orders of unusual size, orders deviating substantially from a normal pattern, and orders of unusual frequency.

(d) In the event of the discovery of the theft or significant loss of controlled substances, a wholesaler shall report such theft or significant loss to the committee and local law enforcement within one (1) business day of discovery of the theft or loss.

SECTION 13. Section 29 of Chapter 880 of the Public Acts of 2012, is amended by deleting the following language:

The provisions of this act shall expire and be of no force and effect after June 30, 2016, and on July 1, 2016, the existing provisions of Tennessee Code Annotated, Title 53, Chapter 10, Part 3, shall be revived and reenacted as they were codified on March 1, 2012.

SECTION 14. Section 8 of Chapter 791 of the Public Acts of 2014, is amended by deleting the language "and expire June 30, 2016,".

SECTION 15. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act are declared severable.

SECTION 16. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Health Committee Amendment No. 1 was adopted.

Rep. C. Sexton moved adoption of Health Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2552 by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION _____. Notwithstanding this act or the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5, any rule promulgated to implement the provisions of this act shall be provided to the chairs of the health committee of the house of representatives and the health and welfare committee of the senate by the secretary of state, after approval by the attorney general and reporter, at the same time the text of the rule is made available to the government operations committees of the senate and the house of representatives for purposes of conducting the review required by § 4-5-226 in order for the health committee of the house of representatives and the health and welfare committee of the senate to be afforded the opportunity to comment on the rule.

On motion, Health Committee Amendment No. 2 was adopted.

THURSDAY, APRIL 14, 2016 – SIXTIETH LEGISLATIVE DAY UNOFFICIAL VERSION

Rep. Hawk moved that **Senate Bill No. 2552**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 92
Noes 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sargent, Sexton C., Sexton J., Shaw, Shepard, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 92

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following members desire to change their original stand from "not voting" to "aye" on **Senate Bill No. 2552** and have this statement entered in the Journal: Reps. Smith and Sparks.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2412** -- Children - As introduced, authorizes a parent of a newborn to object and opt out of a treatment to the newborn's eyes to prevent certain conditions; removes Class C misdemeanor penalty for a physician, nurse, or midwife failing to administer the treatment. - Amends TCA Section 68-5-202. by *Lynn. (SB2371 by *Watson)

On motion, House Bill No. 2412 was made to conform with **Senate Bill No. 2371**; the Senate Bill was substituted for the House Bill.

Rep. Lynn moved that Senate Bill No. 2371 be passed on third and final consideration.

Rep. C. Sexton moved that Health Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Butt moved the previous question, which motion prevailed by the following vote:

Ayes 68
Noes 21

THURSDAY, APRIL 14, 2016 – SIXTIETH LEGISLATIVE DAY UNOFFICIAL VERSION

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Carter, Casada, Coley, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Farmer, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill T., Holsclaw, Howell, Jenkins, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Moody, Pody, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Smith, Sparks, Swann, Terry, Todd, Travis, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 68

Representatives voting no were: Akbari, Armstrong, Beck, Camper, Clemmons, Cooper, DeBerry, Favors, Fitzhugh, Hardaway, Hill M., Holt, Jones, Love, Miller, Mitchell, Parkinson, Powell, Shepard, Turner, Van Huss -- 21

Rep. Lynn moved that **Senate Bill No. 2371** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	65
Noes.....	23
Present and not voting.....	5

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Carter, Casada, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Goins, Halford, Hawk, Hazlewood, Hicks, Hill T., Holsclaw, Howell, Jenkins, Johnson, Kane, Keisling, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McDaniel, McManus, Moody, Pitts, Pody, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shepard, Smith, Sparks, Swann, Terry, Todd, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 65

Representatives voting no were: Armstrong, Beck, Camper, Clemmons, Coley, Cooper, Favors, Fitzhugh, Forgety, Hardaway, Hill M., Holt, Jernigan, Jones, Kumar, Miller, Mitchell, Parkinson, Powell, Shaw, Stewart, Towns, Turner -- 23

Representatives present and not voting were: Akbari, DeBerry, Gravitt, McCormick, Travis -- 5

A motion to reconsider was tabled.

House Bill No. 1823 -- Birth Control - As introduced, clarifies that "contraceptive supplies" includes oral hormonal contraceptives and hormonal contraceptive patches for purposes of the Family Planning Act of 1971. - Amends TCA Title 53; Title 56; Title 63; Title 68 and Title 71. by *Hazlewood, *Hicks, *Holsclaw, *Sexton C, *Williams, *Weaver, *Armstrong. (*SB1677 by *Dickerson, *Haile)

On motion, House Bill No. 1823 was made to conform with **Senate Bill No. 1677**; the Senate Bill was substituted for the House Bill.

Rep. Hazlewood moved that Senate Bill No. 1677 be passed on third and final consideration.

Rep. C. Sexton moved adoption of Health Committee Amendment No. 1 as follows:

3806

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

Amendment No. 1

AMEND Senate Bill No. 1677 by inserting the following language immediately after the caption:

WHEREAS, it is the intent of the General Assembly to establish a method through which pharmacists may provide contraceptive therapies to patients through collaborative pharmacy practice agreements to improve the health and lives of patients and reduce the number of unintended pregnancies in Tennessee; now, therefore,

AND FURTHER AMEND by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 10, part 2, is amended by adding the following as a new section:

(a) As used in this section, "hormonal contraceptive" means a self-administered drug, or a transdermal patch applied to the skin of a patient, by the patient or by a practitioner, that releases a drug composed of a combination of hormones that are approved by the United States food and drug administration to prevent pregnancy.

(b) Pursuant to this section, a pharmacist, in good faith, is authorized to provide hormonal contraceptives according to a valid collaborative pharmacy practice agreement containing a nonpatient-specific prescriptive order and standardized procedures developed and executed by one (1) or more authorized prescribers.

(c) Pursuant to this section, a pharmacist may provide hormonal contraceptives to individuals who are:

(1) Eighteen (18) years of age or older; or

(2) Under eighteen (18) years of age, if the individual is an emancipated minor as defined in § 39-11-106.

(d) The board of pharmacy, in collaboration with the board of medical examiners and the board of osteopathic examination, shall adopt rules to establish standard procedures for the provision of hormonal contraceptives by pharmacists. The standardized procedures adopted pursuant to this section shall require a pharmacist to:

(1) Complete a training program approved by the department of health related to the provision of hormonal contraceptives;

(2) Provide the patient with a self-screening risk assessment tool developed or approved by the department of health;

(3) Provide the patient with documentation about the hormonal contraceptive that was provided to the patient and advise the patient to consult with a primary care practitioner or women's healthcare practitioner;

(4) Provide the patient with a standardized factsheet that includes, but is not limited to, the indications and contraindications for use of the drug, the appropriate method for using the drug, the importance of medical follow-up, and other appropriate information;

(5) Provide the patient with the contact information of a primary care practitioner or women's healthcare practitioner within a reasonable period of time after provision of the hormonal contraceptive; and

(6) Either dispense the hormonal contraceptive, or refer the patient to a pharmacy that may dispense the hormonal contraceptive, as soon as practicable after the pharmacist determines that the patient should receive the medication.

(e) The rules promulgated under this section shall prohibit a pharmacist from requiring a patient to schedule an appointment with the pharmacist for the provision or dispensing of a hormonal contraceptive.

(f)

(1) A pharmacist, pharmacist's employer, or pharmacist's agent may charge an annual administrative fee for services provided pursuant to this section in addition to any costs associated with the dispensing of the drug and paid by the pharmacy benefit.

(2) Upon an oral, telephonic, electronic, or written request from a patient or customer, a pharmacist or pharmacist's employee shall disclose the total cost that a consumer would pay for pharmacist-provided hormonal contraceptives. As used in this subdivision (f)(2), "total cost" includes providing the consumer with specific information regarding the price of the hormonal contraceptive and the price of the administrative fee charged. This limitation is not intended to interfere with other contractually agreed-upon terms between a pharmacist, a pharmacist's employer, or a pharmacist's agent, and a health insurance plan or insurer. Patients who are insured or covered and receive a pharmacy benefit that covers the cost of hormonal contraceptives shall not be required to pay an administrative fee. These patients shall be required to pay co-payments pursuant to the terms and conditions of their coverage.

(g) All state and federal laws governing insurance coverage of contraceptive drugs, devices, products, and services shall apply to hormonal contraceptives provided by a pharmacist under this section.

(h) The board of pharmacy, board of medical examiners, and board of osteopathic examination are authorized to ensure compliance with this section, and each board is specifically charged with the enforcement of this section with respect to its respective licensees.

(i) Any pharmacist or prescriber acting in good faith and with reasonable care, involved in the provision of hormonal contraceptives pursuant to this section shall be immune from disciplinary or adverse administrative actions under this title for acts or omissions during the provision of a hormonal contraceptive.

(j) Any pharmacist or prescriber involved in the provision of hormonal contraceptives pursuant to this section shall be immune from civil liability in the absence of gross negligence or willful misconduct for actions authorized by this section.

(k) This section shall not apply to a valid patient-specific prescription for a hormonal contraceptive issued by an authorized prescriber and dispensed by a pharmacist pursuant to that valid prescription.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Health Committee Amendment No. 1 was adopted.

Rep. Hazlewood moved that **Senate Bill No. 1677**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	83
Noes.....	4
Present and not voting.....	3

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Durham, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Love, Lynn, Marsh, Matheny, Matlock, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Sparks, Stewart, Swann, Todd, Towns, Travis, Turner, Van Huss, Weaver, White M., Williams, Wirgau, Zachary, Madam Speaker Harwell -- 83

Representatives voting no were: Dunlap, Dunn, Faison, Terry -- 4

Representatives present and not voting were: Ragan, Windle, Womick -- 3

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "no" to "present and not voting" on **Senate Bill No. 1677** and have this statement entered in the Journal: Rep. Terry.

REGULAR CALENDAR, CONTINUED

***House Bill No. 1953** -- Criminal Procedure - As introduced, releases a surety on a defendant's forfeited bond when the defendant is arrested on a capias and the bond was forfeited after the defendant did not comply with conditions of the bond. - Amends TCA Section 40-11-139. by *Hazlewood. (SB1891 by *Niceley)

On motion, House Bill No. 1953 was made to conform with **Senate Bill No. 1891**; the Senate Bill was substituted for the House Bill.

Rep. Hazlewood moved that **Senate Bill No. 1891** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 90
Noes 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Love, Lynn, Marsh, Matheny, Matlock, McDaniel, McManus, Miller, Mitchell, Moody, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Sparks, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 90

A motion to reconsider was tabled.

***House Bill No. 2638** -- Munford - As introduced, subject to local approval, permits qualified voters in the state who own property in the city to vote in city elections. - Amends Chapter 75 of the Private Acts of 2005. by *Moody. (SB2664 by *Norris)

Rep. Moody moved that **House Bill No. 2638** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 82
Noes 7

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Coley, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Forgety, Goins, Gravitt, Halford,

Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Mitchell, Moody, Pody, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Sparks, Swann, Terry, Todd, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 82

Representatives voting no were: Cooper, Fitzhugh, Jones, Miller, Pitts, Powell, Stewart -
- 7

A motion to reconsider was tabled.

House Bill No. 1457 -- Governor - As introduced, requires the governor to develop a program to award honorary certificates to persons for their outstanding community service based on nominations from members of the general assembly; designates recipients as "Tri-Star Generals." - Amends TCA Title 4; Title 8 and Title 58. by *Keisling. (*SB1458 by *Bailey)

On motion, House Bill No. 1457 was made to conform with **Senate Bill No. 1458**; the Senate Bill was substituted for the House Bill.

Rep. Keisling moved that Senate Bill No. 1458 be passed on third and final consideration.

Rep. Ramsey moved that State Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Keisling moved that **Senate Bill No. 1458** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 93
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Sparks, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 93

A motion to reconsider was tabled.

***House Bill No. 2579** -- Taxes, Sales - As introduced, removes authorization for commissioner of revenue to designate products for which persons selling those products must submit an information report; exempts certain wholesalers of candy, food, and nonalcoholic drinks from filing the information report; revises other related provisions. - Amends TCA Title 67, Chapter 6, Part 4. by *McCormick, *Brooks K, *Casada. (SB2570 by *Norris)

Rep. McCormick moved that House Bill No. 2579 be passed on third and final consideration.

Rep. Sargent moved adoption of Finance, Ways & Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2579 by deleting all language after the enacting clause and substituting instead the following: SECTION 1. Tennessee Code Annotated, Section 67-6-410(a), is amended by deleting subdivision (1) and substituting instead the following language:

(1) The commissioner is authorized to require persons selling beer, as defined in § 57-5-101, and persons selling tobacco products, as defined in § 67-4-1001, to retailers of such products to file an information report of such sales with the department. Nothing shall prevent a seller from including in its report sales of tangible personal property that are not otherwise required by this section.

SECTION 2. Tennessee Code Annotated, Section 67-6-410(a), is further amended by adding the following language as a new subdivision:

(3)

(A) The commissioner is authorized to require persons selling food, candy, or non-alcoholic beverages, including bottled soft drinks, to retailers of such products to file an information report of such net sales with the department. For purposes of this subdivision (a)(3):

(i) "Bottled soft drinks" has the same meaning as defined in § 67-4-402;

(ii) "Candy" has the same meaning as defined in § 67-6-102;

(iii) "Food" and "non-alcoholic beverages" includes the items described in the definition of "food and food ingredients" in § 67-6-102 except for the following, which shall not be required for purposes of this section: perishable grocery items such as fruits, vegetables, deli meat, deli cheese, deli salads, and other deli products; fresh meats; refrigerated

meats; frozen meats; frozen dinners, entrees, and meals; frozen pizza; or other frozen foods; and

(iv) “Net sales” means the aggregate amount for which the reported products were sold during the reporting period, less any discounts, on-invoice adjustments, credit for returned merchandise, or other similar reductions in the amount charged to the retailer for the products covered by the report.

(B)

(i) Nothing in this section prevents a seller from including in its report net sales of tangible personal property that are not otherwise required by this section.

(ii) Nothing in this section prevents a seller from reporting on a more detailed basis than required by this section.

(C) This subdivision (a)(3) is deleted on July 1, 2019.

SECTION 3. Tennessee Code Annotated, Section 67-6-410(b), is amended by deleting subdivisions (4), (5), and (7) and substituting instead the following language:

(4) The general type of product sold; provided, that all candy, food, and non-alcoholic beverages, including bottled soft drinks, may be treated as a single type of product;

(5) The dates each type of product was sold; provided, for all candy, food, and non-alcoholic beverage sales, including bottled soft drinks, the date can reflect the last day of the period covered by the report;

(7) The monthly or quarterly sales total, in dollars, of each type of product sold; and

SECTION 4. Tennessee Code Annotated, Section 67-6-410, is amended by deleting subsection (c) and substituting instead the following:

(c) The information report shall be filed electronically in a format specified by the commissioner; provided, however, that electronic submission shall not be required from any wholesaler that does not keep records electronically in the ordinary course of business.

SECTION 5. Tennessee Code Annotated, Section 67-6-410(e), is amended by deleting the first sentence in its entirety and by substituting instead the following:

The information report shall be filed for each calendar quarter and shall be due no later than the twenty-fifth day of the month immediately following the end of

such period; provided, however, that nothing in this section prevents the seller from filing on a monthly basis.

SECTION 6. Tennessee Code Annotated, Section 67-6-410, is further amended by adding the following new subsections:

(g) The commissioner shall not issue any assessment under § 67-1-1438, including a notice of proposed assessment, to any retailer based solely on the information report submitted pursuant to this section unless the department first issues to the retailer an inquiry letter setting forth the information that led the department to its conclusion and providing an opportunity for the retailer to explain the inconsistencies between its purchases and reported sales. Nothing in this section prohibits a jeopardy assessment under § 67-1-1431.

(h)

(1) Any wholesaler making sales of candy, food, and non-alcoholic beverages, including bottled soft drinks, in an amount less than five hundred thousand dollars (\$500,000) during the prior calendar year shall not be required to include such sales of candy, food, and non-alcoholic beverage products, including bottled soft drinks, in the information report required under subsection (a).

(2) Any wholesaler making sales of candy, food, or non-alcoholic beverages, including bottled soft drinks, to an affiliate shall not be required to include sales of candy, food, or non-alcoholic beverages, including bottled soft drinks, to any affiliates in the information report required under subsection (a). For purposes of this section, “affiliate” has the same meaning as provided in chapter 4, part 20 of this title.

(3) Any wholesaler making sales of candy, food, or non-alcoholic beverages, including bottled soft drinks, to a retailer under the following circumstances shall not be required to include such sales in the information report required by subsection (a):

(A) The retailer buys at least fifty percent (50%) of its candy, food, and non-alcoholic beverages, including bottled soft drinks, from an affiliate that falls within the exemption provided by subdivision (h)(2) and the retailer notifies the wholesaler in writing that this requirement is met; and

(B) The wholesaler shall retain the retailer’s written notification and provide a copy to the department upon reasonable request.

(4) Any wholesaler making sales of candy, food, or non-alcoholic beverages, including bottled soft drinks, shall be allowed to submit the information required by this section in the format in which the seller ordinarily maintains such information.

(5) This subsection (h) is deleted on July 1, 2019.

(i) Nothing in this section limits the provisions of § 67-6-523.

(j) Any notice of proposed assessment sent to a taxpayer based on the information report submitted pursuant to this section shall clearly state in bold face type the following language:

As a taxpayer of Tennessee, you have a right to dispute any proposed assessment by filing a timely request for an informal conference.

(k) The department shall provide an assessment calculation for each type of product required to be reported under this section. The assessment calculation shall be posted on the web site of the department.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways & Means Committee Amendment No. 1 was adopted.

Rep. McCormick moved that **House Bill No. 2579**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes.....	0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Sparks, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 92

A motion to reconsider was tabled.

***House Bill No. 2122** -- Health, Dept. of - As introduced, specifies that law enforcement-related deaths are a notifiable condition for public health reporting; requires the department to promulgate rules regarding the collection and reporting of deaths related to law enforcement for public health reporting purposes. - Amends TCA Title 38 and Title 68. by *Love. (SB2304 by *Kyle)

Rep. Love moved that House Bill No. 2122 be passed on third and final consideration.

Rep. C. Sexton moved adoption of Health Committee Amendment No. 1 as follows:

3815

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Amendment No. 1

AMEND House Bill No. 2122 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 38-10-102, is amended by deleting the section in its entirety and substituting instead the following:

(a) All state, county, and municipal law enforcement and correctional agencies, and courts, shall submit to the director of the Tennessee bureau of investigation reports setting forth their activities in connection with law enforcement and criminal justice, including uniform crime reports and reports of law enforcement-related deaths.

(b) The Tennessee bureau of investigation shall provide to the commissioner of health and to the general assembly, by March 31 of each year, a report on all law enforcement-related deaths that occurred in the prior calendar year.

(c) The Tennessee bureau of investigation in consultation with the department of health shall have authority to promulgate rules with respect to collection and reporting of information concerning law enforcement-related deaths. The rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(d) As used in this section, "law enforcement-related death" means:

(1) The death of an individual in custody, whether in a prison, in a jail, or otherwise in the custody of law enforcement pursuant to an arrest or a transfer between institutions of any kind; or

(2) The death of an individual potentially resulting from an interaction with law enforcement, while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of the officer's law enforcement duties, without regard to:

(A) Whether the individual was in custody; or

(B) Whether a weapon was involved.

SECTION 2. For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2017, the public welfare requiring it.

On motion, Health Committee Amendment No. 1 was adopted.

Rep. Love moved that **House Bill No. 2122**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 92
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Sparks, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 92

A motion to reconsider was tabled.

***House Bill No. 2577** -- Abortion - As introduced, establishes requirements regarding the disposition of fetal remains resulting from surgical abortions, including reporting requirements and requirements for interim inspections of and certain reporting by facilities where surgical abortions are performed. - Amends TCA Title 39, Chapter 15, Part 2 and Title 68. by *McCormick, *Brooks K, *Lynn, *Littleton, *Powers, *Zachary. (SB2568 by *Norris, *Roberts, *Stevens, *Bell, *Bowling, *Gresham, *Bailey, *Beavers, *Haile, *Hensley)

On motion, House Bill No. 2577 was made to conform with **Senate Bill No. 2568**; the Senate Bill was substituted for the House Bill.

Rep. Dunn moved that Senate Bill No. 2568 be passed on third and final consideration.

Rep. C. Sexton moved that Health Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. C. Sexton moved adoption of Health Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2568 by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION _____. Notwithstanding this act or the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5, any rule promulgated to implement the provisions of this act shall be provided to the chairs of the health committee of the house of representatives and the health and welfare committee of the senate by the secretary of state, after approval by the attorney general and reporter, at the same time the text of the rule is made available to the government operations committees of the senate and the house of representatives for purposes of

conducting the review required by § 4-5-226 in order for the health committee of the house of representatives and the health and welfare committee of the senate to be afforded the opportunity to comment on the rule.

On motion, Health Committee Amendment No. 2 was adopted.

Rep. Todd moved the previous question, which motion prevailed by the following vote:

Ayes	69
Noes.....	20

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Coley, Daniel, Doss, Dunlap, Dunn, Eldridge, Faison, Farmer, Forgety, Goins, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Moody, Pitts, Pody, Powers, Ragan, Reedy, Rogers, Sanderson, Sargent, Sexton J., Smith, Sparks, Swann, Terry, Todd, Travis, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 69

Representatives voting no were: Akbari, Armstrong, Beck, Camper, Clemmons, Cooper, DeBerry, Favors, Fitzhugh, Gravitt, Hardaway, Jones, Miller, Mitchell, Powell, Shaw, Shepard, Stewart, Towns, Turner -- 20

Rep. Dunn moved that **Senate Bill No. 2568**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	79
Noes.....	9
Present and not voting.....	1

Representatives voting aye were: Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Coley, Daniel, DeBerry, Doss, Dunlap, Dunn, Eldridge, Faison, Farmer, Fitzhugh, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Moody, Pitts, Pody, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Swann, Terry, Todd, Towns, Travis, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 79

Representatives voting no were: Akbari, Clemmons, Cooper, Hardaway, Jones, Mitchell, Powell, Stewart, Turner -- 9

Representatives present and not voting were: Armstrong -- 1

A motion to reconsider was tabled.

House Bill No. 1735 -- Alcoholic Beverage Commission - As introduced, authorizes the sale of alcoholic beverages for on-premises consumption at a facility that has at least 425 acres with 65 rooms for overnight accommodations that serves at least two meals a day, a golf course, and tennis courts. - Amends TCA Title 57, Chapter 4. by *Durham, *Williams, *Casada. (*SB1469 by *Johnson, *Bailey)

On motion, House Bill No. 1735 was made to conform with **Senate Bill No. 1469**; the Senate Bill was substituted for the House Bill.

Rep. Casada moved that Senate Bill No. 1469 be passed on third and final consideration.

Rep. Ramsey moved that State Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Swann moved adoption of House Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1469 by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 57-4-102(26)(D), is amended by deleting the current language in its entirety and substituting instead the following language:

(D) A commercially operated facility possessing each of the following characteristics:

(i) Situated in a geographical area controlled by the operator of the facility, having not less than one hundred seventy-nine (179) acres of land;

(ii) A public golf course of at least eighteen (18) holes with a practice green and irrigation system;

(iii) Such facility has a club house with at least five thousand square feet (5,000 sq. ft.) that can accommodate up to two hundred fifty (250) guests for events;

(iv) Has separate meeting rooms for multiple events;

(v) Has a cart barn on the property that holds no less than sixty (60) golf carts;

(vi) Such facility has a maintenance shop with at least seven thousand square feet (7,000 sq. ft.);

(vii) Is located inside of:

(a) A black bear habitat community; and

(b) A conservation community;

(viii) Surrounded by over one hundred (100) rental cabins;

(ix) At least fifty percent (50%) of the property boundaries border a national park;

(x) Does not discriminate against any patron on the basis of age, gender, race, religion, or national origin; and

(xi) Is located in any county having a population of not less than one hundred twenty-three thousand one (123,001) nor more than one hundred twenty-three thousand one hundred (123,100) according to the 2010 federal census or any subsequent federal census;

On motion, House Amendment No. 2 was adopted.

Rep. Casada moved that **Senate Bill No. 1469**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	64
Noes.....	17
Present and not voting.....	5

Representatives voting aye were: Akbari, Armstrong, Beck, Calfee, Camper, Carr, Casada, Clemmons, Coley, Cooper, Daniel, Doss, Eldridge, Faison, Farmer, Favors, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Holsclaw, Howell, Jenkins, Jernigan, Johnson, Kane, Kumar, Lamberth, Littleton, Marsh, Matheny, McCormick, McDaniel, McManus, Miller, Mitchell, Powell, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Shaw, Shepard, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Weaver, White D., Williams, Windle, Wirgau, Womick, Madam Speaker Harwell -- 64

Representatives voting no were: Brooks H., Byrd, DeBerry, Dunlap, Dunn, Hill M., Hill T., Holt, Keisling, Lollar, Lynn, Matlock, Moody, Sexton J., Van Huss, White M., Zachary -- 17

Representatives present and not voting were: Alexander, Butt, Pody, Powers, Sparks -- 5

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 1666** -- Criminal Offenses - As introduced, updates the offense of harassment with respect to the methods by which harassment may occur and broadens the offense to include the methods available through modern technology. - Amends TCA Section 39-17-308. by *Lamberth, *Powell. (SB2282 by *Kyle)

Senate Amendment No. 1

AMEND House Bill No. 1666 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-308(a), is amended by deleting subdivision (a)(1) in its entirety and substituting instead the following language:

(1) Communicates a threat to another person, and the person communicating the threat:

(A) Intends the communication to be a threat of harm to the victim; and

(B) A reasonable person would perceive the communication to be a threat of harm;

SECTION 2. Tennessee Code Annotated, Section 39-17-308(a), is amended by deleting subdivision (a)(2) in its entirety and substituting instead the following:

(2) Communicates with another person without lawful purpose, anonymously or otherwise, with the intent that the frequency or means of the communication annoys, offends, alarms, or frightens the recipient and, by this action, annoys, offends, alarms, or frightens the recipient;

SECTION 3. Tennessee Code Annotated, Section 39-17-308(a), is amended by deleting subdivision (a)(3) in its entirety and substituting instead the following language:

(3) Communicates to another person, with intent to harass that person, that a relative or other person has been injured or killed when the communication is known to be false; or

SECTION 4. Tennessee Code Annotated, Section 39-17-308, is further amended by deleting subdivisions (d)(2) and (d)(3) and adding the following new subsection (f):

(1) The offense described in this section shall not apply to an entity providing an electronic communications service to the public acting in the normal course of providing that service.

(2) The service providers described in this subsection (f) shall not be required to maintain any record not otherwise kept in the ordinary course of that service provider's business; provided, however, that if any electronic communications service provider operates a web site that offers a social network service and the electronic communications service provider provides services to consumers in this state, any log files and images or communications that have been sent, posted, or displayed on the social network service's web site and maintained by the electronic communications service provider shall be disclosed to any governmental entity responsible for enforcing this section only if the governmental entity:

(A) Obtains a warrant issued using this state's warrant procedures by a court of competent jurisdiction;

(B) Obtains a court order for the disclosure under subdivision (f)(4); or

(C) Has the consent of the person who sent, posted, or displayed any log files and images or communications on the social network service's web site maintained by the electronic communications service provider.

(3) No cause of action shall lie in any court against any provider of an electronic communications service, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a court order or warrant.

(4) A court order for disclosure under subdivision (f)(2)(B) may be issued by any court that is a court of competent jurisdiction and shall issue only if the governmental entity offers specific and articulable facts showing that there are reasonable grounds to believe that the contents of an electronic communication, or the records or other information sought, are relevant and material to an ongoing criminal investigation. A court order shall not issue if prohibited by the law of this state. A court issuing an order pursuant to this section, on a motion made promptly by the service provider, may quash or modify the order, if the information or records requested are unusually voluminous in nature or compliance with the order otherwise would cause an undue burden on the provider.

SECTION 5. Tennessee Code Annotated, Section 39-17-308(e), is amended by adding the following as a new subdivision:

"Communicate" means contacting a person in writing or print or by telephone, wire, radio, electromagnetic, photoelectronic, photooptical, or electronic means, and includes text messages, facsimile transmissions,

electronic mail, instant messages, and messages, images, video, sound recordings, or intelligence of any nature sent through or posted on social networks, social media, or web sites;

SECTION 6. This act shall take effect July 1, 2016, the public welfare requiring it.

Rep. Lamberth moved that the House concur in Senate Amendment No. 1 to **House Bill No. 1666**, which motion prevailed by the following vote:

Ayes 88
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Sparks, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Weaver, White D., White M., Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 88

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on the motion to concur in Senate Amendment No. 1 to **House Bill No. 1666** and have this statement entered in the Journal: Rep. Van Huss.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Armstrong moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 997 out of order, which motion prevailed.

House Joint Resolution No. 997 -- Memorials, Recognition - Dr. Joe B. Maddox. by *Armstrong.

On motion, the rules were suspended for the immediate consideration of the resolution.

3823

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On motion of Rep. Armstrong, the resolution was adopted.

A motion to reconsider was tabled.

RECESS MOTION

Rep. McCormick moved that the House stand in recess until 1:30 p.m., which motion prevailed.

RECESS EXPIRED

The recess having expired, the House was called to order at 1:30 p.m. by Madam Speaker Harwell.

ROLL CALL DISPENSED

On motion of Rep. McCormick the roll call was dispensed with.

EXCUSED

The Speaker announced that the following members have been excused, pursuant to requests under **Rule No. 20**:

Representative Terry; illness

Representative Durham; illness

APPROPRIATIONS CALENDAR

House Bill No. 2629 -- Appropriations - As introduced, makes appropriations for the fiscal years beginning July 1, 2015, and July 1, 2016. by *Sargent, *McCormick. (*SB2653 by *Norris, *McNally, *Watson)

On motion, House Bill No. 2629 was made to conform with **Senate Bill No. 2653**; the Senate Bill was substituted for the House Bill.

Rep. Sargent moved that Senate Bill No. 2653 be passed on third and final consideration.

Rep. Sargent moved that Finance, Ways & Means Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Sargent moved that Finance, Ways & Means Committee Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Sargent moved that House Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Clemmons moved adoption of House Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 2653 by deleting the punctuation "." at the end of the first sentence of Item 1 of the amendatory language of SECTION 11 and substituting instead:

, except as provided in Item 1(b).

AND FURTHER AMEND by deleting Item 1(b) in the amendatory language of SECTION 11 and substituting instead:

(b) The dollar value of the BEP instructional positions component shall be fifty thousand four hundred sixty-three dollars (\$50,463);

Rep. Sargent moved that House Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes	68
Noes.....	23

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Coley, Daniel, Doss, Dunlap, Dunn, Eldridge, Faison, Farmer, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Moody, Pitts, Pody, Powers, Ragan, Ramsey, Reedy, Rogers, Sargent, Sexton C., Sexton J., Smith, Sparks, Swann, Todd, Travis, Weaver, White D., White M., Williams, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 68

Representatives voting no were: Akbari, Armstrong, Beck, Camper, Clemmons, Cooper, DeBerry, Favors, Fitzhugh, Hardaway, Jernigan, Jones, Love, Miller, Mitchell, Parkinson, Powell, Shaw, Shepard, Stewart, Towns, Turner, Windle -- 23

Rep. Powell moved adoption of House Amendment No. 5 as follows:

Amendment No. 5

AMEND Senate Bill No. 2653 By adding the following language as a new section immediately prior to the antepenultimate section:

SECTION _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,000,000 (non-recurring) to the Department of Health for the sole purpose of Zika virus prevention, control, and eradication.

Rep. Sargent moved that House Amendment No. 5 be tabled, which motion prevailed by the following vote:

Ayes 68
Noes 23

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Coley, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Moody, Pody, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Smith, Sparks, Swann, Todd, Travis, Van Huss, Weaver, White D., White M., Williams, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 68

Representatives voting no were: Akbari, Armstrong, Beck, Camper, Clemmons, Cooper, DeBerry, Favors, Fitzhugh, Hardaway, Jernigan, Jones, Love, Miller, Mitchell, Parkinson, Powell, Shaw, Shepard, Stewart, Towns, Turner, Windle -- 23

Rep. Fitzhugh moved that House Amendment No. 6 be withdrawn, which motion prevailed.

Rep. Parkinson moved adoption of House Amendment No. 7 as follows:

Amendment No. 7

AMEND Senate Bill No. 2653 by adding the following new section immediately prior to the antepenultimate section and renumbering the subsequent sections accordingly:

SECTION ____.

(a) The first \$20,000,000 in excess collections on June 30, 2016, shall be allocated in accordance with this section.

(b) In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty million dollars (\$20,000,000) to the Secretary of State for the sole purpose of implementing the community enhancement grant program in accordance with the provisions of this section.

(c) Community enhancement grants shall only be available to support:

(1) Public safety activities, including, but not limited to, those related to local law enforcement, fire and life safety, programs designed to address local drug programs, advocacy for children and other vulnerable populations, and other criminal justice programs;

(2) Educational initiatives, including, but not limited to, those related to local schools and school support organizations, efforts to

address significant local education issues such as summer reading programs, and other initiatives that address educational needs;

(3) Cultural activities, including, but not limited to, those related to enhancing opportunities provided by museums, libraries, and historic sites, and activities supporting other local cultural endeavors; or

(4) Community development activities, including, but not limited to, those related to serving the unique needs of various segments of the population, such as the elderly and youth, through supporting program offerings provided through local recreational and community facilities, senior citizens centers, boys and girls clubs, and the like as well as county and municipal infrastructure improvements such as road and bridge planning, construction and maintenance.

(d) Grant proceeds must be used for one (1) or more of the following purposes: programs, services, operating costs, equipment, construction, renovation, and maintenance.

(e) Notwithstanding any provision of this act to the contrary, a community enhancement grant to a governmental or non-governmental agency or entity shall not be disbursed until the recipient has filed with the Secretary of State a plan specifying the proposed use of such funds in accordance with the purposes enumerated in subsection (d) of this section and the benefits anticipated to be derived therefrom. As a prerequisite to the receipt of such grant, the recipient shall agree to provide to the Secretary of State, within ninety (90) days of the close of the fiscal year within which such grant was received, an accounting of the actual expenditure of such funds, including a notarized statement that the report is true and correct in all material respects; provided, however, that the secretary may require, in lieu of the accounting as provided above, an audited financial statement of the governmental or non-governmental agency or entity. A copy of such accounting or audit, as the case may be, shall be filed with the Office of the Comptroller of the Treasury.

(f) No community enhancement grant shall be disbursed to a nongovernmental agency or entity until the recipient of such grant has presented evidence to the secretary that such recipient is a not-for-profit corporation, nonprofit association, or similar nonprofit organization. For purposes of this subsection (f), any one (1) of the following shall constitute evidence that a recipient is a not-for-profit corporation, nonprofit association, or similar non-profit organization:

(1) Documentation from the Internal Revenue Service recognizing the grant recipient as holding a determination of exemption as a 501(c) organization; such documentation shall be supported by an affidavit from the 501(c) organization's chair, president or chief administrative officer affirming that the organization's 501(c) status has not been revoked;

(2) A copy of the charter of a not-for-profit corporation;

(3) Documentation that a grant recipient holds property tax exempt status;

(4) A copy of organizational documents and any other documents that prove to the satisfaction of the secretary that a grant recipient has been in continuous and active existence as a nonprofit organization located in Tennessee for at least two (2) calendar years immediately preceding the fiscal year in which such grant shall be made; such documentation shall be supported by an affidavit signed by the organization's chair, president or chief administrative officer affirming that the organization has been in continuous and active existence in Tennessee for at least two (2) calendar years immediately preceding the fiscal year in which such grant shall be made; or

(5) An affidavit signed by the county mayor, or county executive, from the county where the grant recipient is located affirming that the grant recipient is a not-for-profit corporation, nonprofit association, or similar nonprofit organization.

(g) No community enhancement grant shall be disbursed to a church or other institution in which religion is so pervasive that a substantial portion of its functions are subsumed in the religious mission.

(h) Notwithstanding any provision of this act to the contrary, if multiple grants are allocated to the same recipient, then such recipient shall be awarded the sum total of such multiple grants.

(i) Grants shall be awarded in accordance with the following procedure:

(1) Organizations shall apply for grants to the Secretary of State no later than September 1, 2016, and shall include such information as the Secretary of State deems appropriate.

(2) The Secretary of State shall make grants to applicants as the secretary deems appropriate and in such amounts as the secretary determines appropriate. In making determinations relative to grant awards, the Secretary of State is authorized to take into account factors the secretary deems relevant, including the benefits of making the grant.

(3) The Secretary of State shall strive to ensure geographic diversity in grant distribution. To such end, it is the legislative intent that applicants in each state senate district receive approximately \$300,000 in total grants awarded and that applicants in each state house district receive approximately \$100,000 in total grants awarded.

Rep. Sargent moved that House Amendment No. 7 be tabled, which motion prevailed by the following vote:

Ayes 70

3828

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Noes..... 23

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Coley, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Moody, Pitts, Pody, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Smith, Sparks, Swann, Todd, Travis, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 70

Representatives voting no were: Akbari, Armstrong, Beck, Camper, Clemmons, Cooper, DeBerry, Dunlap, Favors, Fitzhugh, Hardaway, Jernigan, Jones, Love, Miller, Mitchell, Parkinson, Powell, Shaw, Shepard, Stewart, Towns, Turner -- 23

Rep. Fitzhugh moved adoption of House Amendment No. 8 as follows:

Amendment No. 8

AMEND Senate Bill No. 2653 by adding the following new section immediately prior to the antepenultimate section and renumbering the subsequent sections accordingly:

SECTION __. It is the legislative intent that the governor continue negotiations with CMS in order to procure a written agreement substantially similar to TennCare Demonstration Amendment #25 and return such agreement to the General Assembly for approval or disapproval.

Rep. Sargent moved that House Amendment No. 8 be tabled, which motion prevailed by the following vote:

Ayes 66
Noes..... 24

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Coley, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Johnson, Kane, Keisling, Kumar, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Moody, Pody, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Smith, Sparks, Swann, Todd, Travis, Van Huss, Weaver, White D., White M., Williams, Wirgau, Womick, Zachary -- 66

Representatives voting no were: Akbari, Armstrong, Beck, Camper, Clemmons, Cooper, DeBerry, Dunlap, Favors, Fitzhugh, Hardaway, Jernigan, Jones, Miller, Mitchell, Parkinson, Pitts, Powell, Shaw, Shepard, Stewart, Towns, Turner, Windle -- 24

Rep. Fitzhugh moved that House Amendment No. 9 be withdrawn, which motion prevailed.

Rep. Fitzhugh moved adoption of House Amendment No. 10 as follows:

Amendment No. 10

AMEND Senate Bill No. 2653 by adding the following language as a new section immediately prior to the antepenultimate section and renumbering the subsequent sections accordingly:

SECTION _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient to the Comptroller of the Treasury for the sole purpose of fully funding the property tax relief programs established in Tennessee Code Annotated, Sections 67-5-702, 67-5-703, and 67-5-704, as amended by Senate Bill 2654 / House Bill 2630, if such bill becomes a law. It is the legislative intent that the property tax relief programs be amended to reflect the language in effect prior to the enactment of Chapter 481 of the Public Acts of 2015.

Rep. Sargent moved that House Amendment No. 10 be tabled, which motion prevailed by the following vote:

Ayes	41
Noes.....	38
Present and not voting.....	1

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Carter, Casada, Coley, Daniel, Dunn, Eldridge, Faison, Farmer, Goins, Halford, Hazlewood, Hicks, Holt, Howell, Jenkins, Kane, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, McCormick, McDaniel, McManus, Ramsey, Sargent, Sexton C., Sexton J., Smith, Sparks, Todd, White M., Williams, Womick, Zachary, Madam Speaker Harwell -- 41

Representatives voting no were: Akbari, Armstrong, Beck, Calfee, Camper, Clemmons, Cooper, DeBerry, Dunlap, Favors, Fitzhugh, Hardaway, Hill M., Hill T., Jernigan, Jones, Keisling, Love, Matheny, Matlock, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Rogers, Sanderson, Shaw, Shepard, Stewart, Towns, Turner, Van Huss, Weaver, Windle, Wirgau -- 38

Representatives present and not voting were: Ragan -- 1

Rep. Pody moved adoption of House Amendment No. 11 as follows:

Amendment No. 11

AMEND Senate Bill No. 2653 by adding the following language as a new section immediately prior to the antepenultimate section and renumbering the subsequent sections accordingly:

SECTION _____.

THURSDAY, APRIL 14, 2016 – SIXTIETH LEGISLATIVE DAY UNOFFICIAL VERSION

Item 1. At July 1, 2016, the Commissioner of Finance and Administration is authorized to transfer and shall transfer an additional sum of \$120,800,000 (non-recurring) from the general fund to the highway fund.

Item 2. Of the capital outlay projects listed on pages A-135 through A-139 of the 2016-2017 Budget Document and in Section 1, Title III-32 of this act, the following are hereby eliminated:

1. National Museum of African American Music	\$	2,000,000
2. TTU Laboratory Science Bldg. & Infrastructure		71,250,000
3. UTHSC Dentistry Faculty Practice/Research Bldg.		34,700,000

Item 3. Of the capital maintenance projects listed on pages A-135 through A-139 of the 2016-2017 Budget Document and in Section 1, Title III-32 of this act, the following are hereby eliminated:

1. PSCC HVAC Update	\$	750,000
2. UTK Window Replacements and Masonry Repairs		5,400,000
3. UTK Vet. Medicine Bldg. Improvements Ph. II		6,700,000

Rep. Sargent moved that House Amendment No. 11 be tabled, which motion prevailed by the following vote:

Ayes	58
Noes.....	25
Present and not voting.....	1

Representatives voting aye were: Akbari, Alexander, Brooks H., Brooks K., Byrd, Calfee, Camper, Carter, Casada, Coley, Cooper, Doss, Dunn, Eldridge, Farmer, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill T., Holsclaw, Holt, Howell, Jenkins, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Marsh, McCormick, McDaniel, McManus, Moody, Powers, Ragan, Ramsey, Sanderson, Sargent, Sexton C., Sexton J., Smith, Sparks, Swann, Todd, Travis, Van Huss, White D., Williams, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 58

Representatives voting no were: Armstrong, Beck, Clemmons, Daniel, Dunlap, Favors, Fitzhugh, Hardaway, Jernigan, Jones, Matheny, Matlock, Miller, Mitchell, Parkinson, Pody, Powell, Reedy, Rogers, Shaw, Shepard, Stewart, Turner, Weaver, Windle -- 25

Representatives present and not voting were: DeBerry -- 1

PRESENT IN CHAMBER

Rep. Durham was recorded as being present in the Chamber.

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APPROPRIATIONS CALENDAR, CONTINUED

Rep. Miller moved the previous question, which motion prevailed by the following vote:

Ayes	68
Noes.....	16

Representatives voting aye were: Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Carter, Casada, Coley, Daniel, DeBerry, Doss, Eldridge, Faison, Farmer, Favors, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Jenkins, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McDaniel, McManus, Miller, Moody, Pitts, Pody, Powers, Ragan, Reedy, Rogers, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Stewart, Swann, Todd, Travis, Van Huss, Weaver, White D., White M., Williams, Windle, Womick, Zachary, Madam Speaker Harwell -- 68

Representatives voting no were: Akbari, Alexander, Armstrong, Carr, Clemmons, Cooper, Dunlap, Dunn, Durham, Hardaway, Holt, Jernigan, Mitchell, Parkinson, Towns, Turner -
- 16

Rep. Sargent moved that **Senate Bill No. 2653** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	87
Noes.....	7

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Swann, Todd, Towns, Travis, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 87

Representatives voting no were: Armstrong, Clemmons, Hardaway, Holt, Parkinson, Stewart, Turner -- 7

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

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Pursuant to **Rule No. 31**, the following members desire to change their original stand from "aye" to "no" on the motion to table Amendment No. 10 to **Senate Bill No. 2653** and have this statement entered in the Journal: Reps. Harwell, Littleton, Lollar and Lynn.

Pursuant to **Rule No. 31**, the following members desire to change their original stand from "not voting" to "no" on the motion to table Amendment No. 10 to **Senate Bill No. 2653** and have this statement entered in the Journal: Reps. Forgety and Johnson.

APPROPRIATIONS CALENDAR, CONTINUED

House Bill No. 2630 -- Budget Procedures - As introduced, increases from 30 cents to 36 cents per each person in the county the amount that each county must pay to the office of the comptroller to contribute to the expenses of audits; creates historic property land acquisition fund; makes other statutory revisions required for implementation of the annual appropriations act. - Amends Title 4; Title 5; Title 6; Title 8; Title 9; Title 10; Title 11; Title 12; Title 13; Title 16; Title 17; Title 18; Title 29; Title 33; Title 36; Title 37; Title 38; Title 39; Title 40; Title 41; Title 43; Title 45; Title 47; Title 48; Title 49; Title 50; Title 53; Title 54; Title 55; Title 56; Title 57; Title 58; Title 59; Title 60; Title 62; Title 63; Title 64; Title 65; Title 66; Title 67; Title 68; Title 69; Title 70 and Title 71. by *Sargent, *McCormick. (*SB2654 by *Norris, *McNally, *Watson, *Gardenhire)

On motion, House Bill No. 2630 was made to conform with **Senate Bill No. 2654**; the Senate Bill was substituted for the House Bill.

Rep. Sargent moved that Senate Bill No. 2654 be passed on third and final consideration.

Rep. Fitzhugh moved that House Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Sargent moved that **Senate Bill No. 2654** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	1

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Stewart, Swann, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 92

Representatives voting no were: Windle -- 1

A motion to reconsider was tabled.

House Bill No. 2631 -- Bond Issues - As introduced, authorizes the state to issue and sell bonds of up to \$87.7 million. by *Sargent, *McCormick. (*SB2655 by *Norris, *McNally, *Watson)

On motion, House Bill No. 2631 was made to conform with **Senate Bill No. 2655**; the Senate Bill was substituted for the House Bill.

Rep. Sargent moved that **Senate Bill No. 2655** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 91
Noes..... 1

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Goins, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Stewart, Swann, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 91

Representatives voting no were: Windle -- 1

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. McCormick moved that the rules be suspended in order to allow **House Bill No. 1882** to be heard in the Finance, Ways & Means Subcommittee Calendar No. 2 next week, which motion prevailed.

RULES SUSPENDED

Rep. McCormick moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 815 out of order, which motion prevailed.

Senate Joint Resolution No. 815 -- General Assembly, Joint Conventions - Calls a joint convention of the general assembly on April 18, 2016, for the purpose of voting on the confirmation of J. Ross Dyer to the Tennessee Court of Criminal Appeals, Western Section. by *Norris.

RESOLUTION READ

The Clerk read Senate Joint Resolution No. 815.

On motion of Rep. McCormick, the resolution was concurred in.

A motion to reconsider was tabled.

CONSENT CALENDAR, NO. 2

House Resolution No. 278 -- Memorials, Interns - Elizabeth Tullos. by *Sargent.

House Resolution No. 279 -- Memorials, Interns - Courtney Morgan Crocker. by *Sargent.

House Resolution No. 280 -- Memorials, Recognition - Pastor Mike Ellis and Impact Baptist Church, 10th anniversary. by *Parkinson.

House Resolution No. 281 -- Memorials, Interns - Naima Al-Saigh. by *Coley.

House Resolution No. 282 -- Memorials, Death - Jeff Carr. by *Clemmons.

House Joint Resolution No. 996 -- Memorials, Public Service - Representative David Shepard. by *Fitzhugh.

House Joint Resolution No. 998 -- Memorials, Interns - Chance Ryan Von Dette. by *Harwell.

House Joint Resolution No. 999 -- Memorials, Interns - Jamie M. Thompson. by *Harwell.

House Joint Resolution No. 1000 -- Memorials, Recognition - Edmondson Pike branch of the Nashville Public Library. by *Powell.

House Joint Resolution No. 1001 -- Memorials, Academic Achievement - Jasmine Carlisle, Valedictorian, Mount Juliet High School. by *Lynn.

House Joint Resolution No. 1002 -- Memorials, Academic Achievement - Jessica Giacobbi, Salutatorian, Mount Juliet High School. by *Lynn.

House Joint Resolution No. 1003 -- Memorials, Recognition - Peggy Lambert and John Ryder. by *Swann, *Ramsey.

House Joint Resolution No. 1004 -- Memorials, Heroism - Division of Forestry, (Cocke County). by *Faison.

House Joint Resolution No. 1005 -- Memorials, Heroism - Cocke County Emergency Management Agency. by *Faison.

House Joint Resolution No. 1006 -- Memorials, Heroism - Newport Rescue Squad. by *Faison.

House Joint Resolution No. 1007 -- Memorials, Heroism - Pittman Center Volunteer Fire Department. by *Faison.

House Joint Resolution No. 1008 -- Memorials, Heroism - Centerview Volunteer Fire Department. by *Faison.

House Joint Resolution No. 1009 -- Memorials, Heroism - Parrottsville Volunteer Fire Department. by *Faison.

House Joint Resolution No. 1010 -- Memorials, Heroism - Del Rio Volunteer Fire Department. by *Faison.

House Joint Resolution No. 1011 -- Memorials, Heroism - Long Creek Volunteer Fire Department. by *Faison.

House Joint Resolution No. 1012 -- Memorials, Heroism - Cosby Volunteer Fire Department. by *Faison.

House Joint Resolution No. 1013 -- Memorials, Heroism - Grassy Fork Volunteer Fire Department. by *Faison.

House Joint Resolution No. 1014 -- Memorials, Heroism - Cocke County Fire Department. by *Faison.

Senate Joint Resolution No. 721 -- Memorials, Academic Achievement - Tyler Campbell, Salutatorian, Hickman County High School. by *Roberts.

Senate Joint Resolution No. 722 -- Memorials, Academic Achievement - Emma Gasparro, Valedictorian, Hickman County High School. by *Roberts.

Senate Joint Resolution No. 723 -- Memorials, Recognition - Colonel Charles R. Tilton. by *Hensley.

Senate Joint Resolution No. 724 -- Memorials, Personal Achievement - Louis Fletcher, Wilson County Agricultural Hall of Fame. by *Beavers.

Senate Joint Resolution No. 725 -- Memorials, Personal Achievement - The late Kenneth Neal, Wilson County Agricultural Hall of Fame. by *Beavers.

Senate Joint Resolution No. 726 -- Memorials, Personal Achievement - The late William Dean Thompson and Nelda Ann McDonald Thompson, Wilson County Agricultural Hall of Fame. by *Beavers.

Senate Joint Resolution No. 727 -- Memorials, Personal Achievement - The late William Lee "Bill" Patton, Wilson County Agricultural Hall of Fame. by *Beavers.

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Senate Joint Resolution No. 728 -- Memorials, Academic Achievement - Maxwell Pafford, Salutatorian, DeKalb County High School. by *Beavers.

Senate Joint Resolution No. 729 -- Memorials, Academic Achievement - Ashli Chew, Valedictorian, DeKalb County High School. by *Beavers.

Senate Joint Resolution No. 751 -- Memorials, Recognition - Debria G. Tyler, Boys and Girls Clubs Youth of the Year. by *Ketron.

Senate Joint Resolution No. 772 -- Memorials, Recognition - Memphis Brooks Museum of Art, 100th anniversary. by *Norris.

Senate Joint Resolution No. 810 -- Memorials, Retirement - TBI Deputy Director Edward B. Jones. by *Ketron.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 92
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Goins, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Stewart, Swann, Todd, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 92

A motion to reconsider was tabled.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 525 Reps. Travis, Casada, Byrd, Matlock, Moody, Kane, Hawk, T. Hill, Marsh, K. Brooks, Butt, Williams, M. White and Powers as prime sponsors.

House Bill No. 813 Rep. Eldridge as prime sponsor.

House Bill No. 1410 Rep. Swann as prime sponsor.

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House Bill No. 1424 Reps. Eldridge and Matheny as prime sponsors.

House Bill No. 1436 Rep. Matlock as prime sponsor.

House Bill No. 1536 Rep. Matlock as prime sponsor.

House Bill No. 1990 Reps. Casada and McCormick as prime sponsors.

House Bill No. 2105 Reps. C. Sexton and Powell as prime sponsors.

House Bill No. 2156 Rep. Gravitt as prime sponsor.

House Bill No. 2192 Rep. Carter as prime sponsor.

House Bill No. 2268 Rep. K. Brooks as prime sponsor.

House Bill No. 2477 Rep. Dunn as prime sponsor.

House Bill No. 2510 Reps. Pitts and T. Hill as prime sponsors.

House Bill No. 2520 Reps. Swann, Cooper and Towns as prime sponsors.

ENGROSSED BILLS

April 14, 2016

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill No. 978;

GREG GLASS, Chief Engrossing Clerk

ENGROSSED BILLS

April 14, 2016

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill No. 1252;

GREG GLASS, Chief Engrossing Clerk

ENGROSSED BILLS

April 14, 2016

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bills Nos. 2122 and 2579.

GREG GLASS, Chief Engrossing Clerk

ENGROSSED BILLS
April 14, 2016

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolution No. 997;

GREG GLASS, Chief Engrossing Clerk

ENROLLED BILLS
April 14, 2016

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill No. 1666; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

ENROLLED BILLS
April 14, 2016

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolutions Nos. 270, 271, 272, 273, 274, 275, 276 and 277; and find same correctly enrolled and ready for the signature of the Speaker.

GREG GLASS, Chief Engrossing Clerk

SIGNED
April 14, 2016

The Speaker announced that she had signed the following: House Resolutions Nos. 270, 271, 272, 273, 274, 275, 276 and 277.

GREG GLASS, Chief Engrossing Clerk

ENROLLED BILLS
April 14, 2016

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution No. 997; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

SIGNED
April 14, 2016

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THURSDAY, APRIL 14, 2016 – SIXTIETH LEGISLATIVE DAY UNOFFICIAL VERSION

The Speaker announced that she had signed the following: House Joint Resolution No. 997.

GREG GLASS, Chief Engrossing Clerk

MESSAGE FROM THE SENATE

April 14, 2016

MADAM SPEAKER: I am directed to return to the House, House Joint Resolution No. 997; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

REPORT OF CHIEF ENGROSSING CLERK

April 14, 2016

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution No. 997; for his action.

GREG GLASS, Chief Engrossing Clerk

MESSAGE FROM THE GOVERNOR

April 14, 2016

MADAM SPEAKER: I am directed by the Governor to return herewith: House Joint Resolutions Nos. 768, 769, 770, 771, 772, 773, 774, 775, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 831, 832, 833 and 834; with his approval.

DWIGHT E. TARWATER, Legal Counsel to the Governor

MESSAGE FROM THE GOVERNOR

April 14, 2016

MADAM SPEAKER: I am directed by the Governor to return herewith: House Bill No. 615; with his veto.

DWIGHT E. TARWATER, Legal Counsel to the Governor

GOVERNOR'S STATEMENT ON HOUSE BILL NO. 615

April 14, 2016

The Honorable Beth Harwell
Speaker of the House
301 6th Avenue North
Legislative Plaza, Suite 19
Nashville, TN 37243

Re: House Bill 615

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This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

Dear Speaker Harwell,

I am vetoing House Bill 615, the legislation designating The Holy Bible as the official state book.

As you know, last year the Attorney General opined that designating The Holy Bible as the official state book of Tennessee would violate the Establishment Clause of the First Amendment to the Federal Constitution and Article I, § 3, of the Tennessee Constitution, which provides that “no preference shall ever be given, by law, to any religious establishment or mode of worship.”

In addition to the constitutional issues with the bill, my personal feeling is that this bill trivializes the Bible, which I believe is a sacred text. If we believe that the Bible is the inspired word of God, then we shouldn't be recognizing it only as a book of historical and economic significance. If we are recognizing the Bible as a sacred text, then we are violating the Constitution of the United States and the Constitution of the State of Tennessee by designating it as the official state book. Our founders recognized that when the church and state were combined, it was the church that suffered in the long run.

I strongly disagree with those who are trying to drive religion out of the public square. All of us should and must bring our deepest beliefs to the places we are called, including government service. Men and women motivated by faith have every right and obligation to bring their belief and commitment to the public debate. However, that is very different from the governmental establishment of religion that our founders warned against and our Constitution prohibits.

For these reasons, I am vetoing House Bill 615.

Respectfully,

Governor Bill Haslam

cc: The Honorable Ron Ramsey, Lieutenant Governor and Speaker of the Senate
The Honorable Members of the 109th General Assembly

ROLL CALL

The roll call was taken with the following results:

Present..... 93

Representatives present were Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Goins, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Stewart, Swann, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 93

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RECESS

On motion of Rep. McCormick, the House stood in recess until 4:00 p.m., Monday, April 18, 2016.